Supreme Court, U.S.
FILED

981345 FEB 8 - 1999

OFFICE OF THE CLERK

No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1998

MARK B. RASMUSSON, et. al.,

Petitioners,

v.

LAWRENCE E. FROST, et. al.,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

APPENDIX E
Respondents' Affidavits, Admissions and Investigation Reports

SANDRA J. SHEPPARD, Esq.
Counsel of Record
6915 Boeing Drive
El Paso, Texas 79925-1107
(915) 772-4616

Attorney for Petitioners

23388

APPENDIX E

RESPONDENTS' AFFIDAVITS, ADMISSIONS AND INVESTIGATION REPORTS

TABLE OF CONTENTS

		App Page
1.	Lawrence E. Frost - Affidavit May 26, 1992	908-911
2.	Lawrence E. Frost - Affidavit November 19, 1993	912-947
3.	Lawrence E. Frost - Declaration January 30, 1996	948-952
4.	Lawrence E. Frost - Affidavit April 1, 1997	953-954
5.	Lawrence E. Frost - Declaration April 2, 1997	955-965
6.	Thomas P. Lenox - Declaration June 26, 1996	966-968
7.	George Salas - Affidavit June 6, 1996	969-976
8.	George Salas - Affidavit March 27, 1997	977-984
9.	George Salas' Response to Plaintiffs' First Request for Admissions	985-988

Table of Contents App Page

10. Fonda Hivick - Declaration
June 14, 1996.....989-992

11. Fred J. Schroeder - Declaration
July 30, 1996.....993-997

12. Fred J. Schroeder - Declaration
April 2, 1997.....998-1004

13. Fred Schroeder - Affidavit
April 1, 1997..... 1005-1006

14. James Holland - Affidavit
July 8, 1996 1007-1011

15. James Holland - Affidavit
March 31, 1997..... 1012-1013

16. James Holland - Affidavit
March 31, 1997..... 1014-1017

17. James Holland Response to Request for
Admission 1018-1020

18. Eric E. Mills - Declaration
April 2, 1997..... 1021-1025

19. Joe L. Acosta - Declaration
July 31, 1996..... 1026-1030

20. Joe L. Acosta - Declaration
April 2, 1997..... 1031-1034

21. Donald L. Reay - Declaration
July 30, 1996 1035-1037

Table of Contents App Page

22. Donald L. Reay - Declaration
April 3, 1997..... 1038-1042

23. Michael Wilczewski - Declaration
July 30, 1996.....1042a-1042f

24. Michael Wilczewski - Declaration
April 2, 1997.....1042g-1042m

23. Neil Baker - Affidavit
June 17, 1996..... 1043-1045

24. Jerry Keith - Affidavit
June 21, 1996 1046-1047

25. Defendant Gail Beach's Answers to
Admissions Propounded by Plaintiffs 1048-1050

26. Gail Beach - Affidavit
March 31, 1997..... 1051-1052

27. Steven Perkins - Declaration
May 30, 1996 1053-1055

28. Michael T. Lappe - Declaration
August 1, 1996..... 1056-1057

29. Chris Hines - Affidavit
March 31, 1997..... 1058-1059

30. Defendant Chris Hines' Answers to
Admissions Propounded by Plaintiffs 1060-1064

31. Excerpts from USCS ROI No. 025.....1065-1071
Surveillance results for September 16, 1992

Table of Contents App Page

32. Excerpts from USCS ROI No.064 1072-1079
Interview of Gail Beach on March 9, 1993
Regarding Relationship with
Mark and Deborah Rasmusson

33. Excerpts from USCS ROI No. 066 1080-1084
Interview of Gail Beach on March 9, 1993
Regarding information received from
Steve Thorn about Donald J. Joseph

34. Excerpts from USCS ROI No. 073 1085-1089
Interview of Chris Hines on March 16, 1993
Regarding former employer Rasmark

35. Excerpts from USCS ROI No. 109.....1090-1092
Surveillance and trash pick up on
May 3, 1993 by Detective Jerry Keith

36. Excerpts from USCS ROI No. 118.....1093-1097
Interview of Gantkessy
on June 2 and 3, 1993

37. Excerpts from USCS ROI No. 062.....1097a-1097d
Interview of El Paso Police Officer
Clifford Gongaware on March 1, 1993 by
El Paso Police Detective James Holland

38. Excerpts from USCS ROI No. 061 .....1097e-1097h
Interview of El Paso Police Officer
Andrew DeAngelo on March 1, 1993 by
El Paso Police Detective James Holland

39. Robert Martinez - Declaration
July 31, 1996..... 1098-1099

40. James F. Tighe - Declaration
June 28, 1996.....1100-1102

Table of Contents

App Page

41. Socorro G. Simmons - Declaration
July 30, 1996.....1103-1104

42. Elias P. Chavez - Declaration
July 16, 1996.....1105-1106

43. Larry K. Brown - Declaration
July 29, 1996.....1107-1108

44. Walter J. King - Declaration
July 30, 1996.....1109-1110

45. Rafael Aguirre - Declaration
August 1, 1996.....1111-1112

46. John E. Hensley - Declaration
July 11, 1996.....1113-1114

47. George J. Weise - Declaration
April 28, 1996..... 1115

48. Carol Hallett - Declaration
May 2, 1996.....1116-1117

49. Russ Leach, Chief, El Paso Police Department - Affidavit
January 12, 1996.....1118-1120

50. Leo Samaniego - Affidavit
June 17, 1996.....1121-1122

51. Leo Samaniego - Admissions Excerpts.....1123-1126

52. Excerpts From Policies and Procedures Employee's Manual/Handbook, El Paso County Metro Narcotics Task Force Financial Disruption Unit.....1127

Table of Contents App Page

53. El Paso County Sheriff's Department
Overview of Upper Management.....1127

54. El Paso County Sheriff's Department
Special Operations Bureau
Upper Management..... 1127-1128

55. El Paso County Metro Narcotics Task Force and
El Paso County Financial Disruption Unit
Participating Agencies - Employee Manual/
Handbook.....1128

56. Introduction - Employee Manual/Handbook.....1129

57. Standards of Conduct -Employee Manual/
Handbook.....1129-1131

58. Meeting With Narcotics Violators -
Employee Manual/Handbook.....1131-1132

59. Confidential Informants Policy -
Employee Manual/Handbook.....1132-1134

60. Case Agent's Standard Operating
Procedure For Putting Cases Together-
Employee Manual/Handbook.....1135-1136

61. Case Preparation/HIDTA -
Employee Manual/Handbook.....1136-1137

62. El Paso County Sheriff's Department
Special Operations Bureau
Financial Disruption Unit -
Employee Manual/Handbook.....1137-1141

[Paragraph numbers added to text]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

AFFIDAVIT

Lawrence E. Frost, being duly sworn, depose and state:

1. That I am a Special Agent employed by the United States Customs Service, Department of the Treasury and have been so employed for approximately five years.

2. That as a result of my training and experience as a special Agent with U.S. Customs, I know that records and other evidence of money laundering violations are subject to seizure as violations of Title 18 USC 1956 and Title 18 USC 1957. 1 know from my experience that persons engaged in money laundering violations customarily maintain records of their financial activities such as ledgers, bank account information, tax returns, money orders, wire transfer receipts, notebooks, and telephone and address books.

3. Deborah and Mark Rasmussen [sic]are the owners of Rasmark Jet Service Incorporated of El Paso, Texas. The United States Customs Service, Federal Bureau of Investigation and Internal Revenue service criminal Investigation Division are currently carrying out an investigation of Rasmark Jet service Incorporated and the Rasmussens based on evidence that the company is being utilized as part of a money laundering operation.

4. During March of 1992 1 was contacted by Sergeant George Salas of the El Paso Police Department. Sergeant Salas told me that he had been contacted by Deborah Rasmussen and that she had alleged that her husband, Mark Rasmussen, was attempting to kill her. Sergeant Salas stated that he understood that Deborah Rasmussen was of interest

to the customs Service and that he would provide any information she provided to me.

5. During April and May of 1992 1 received two additional telephone calls from Sergeant Salas. Sergeant Salas stated that Deborah Rasmussen continued to fear for her life and that she felt that the reason that she was in danger was her husband's criminal activity.

6. On May 23, 1992 1 was contacted by Sergeant Salas. Sergeant Salas stated that Deborah Rasmussen had decided that she wished to meet with federal agents to provide information relating to the criminal activities of Mark Rasmussen and associates.

7. I met with Sergeant Salas, Deborah Rasmussen and her fifteen year old son, ian, in El Paso, Texas. At the time of this meeting Sergeant Salas indicated a brown cardboard file box, bearing a handwritten notation, "2 of 18", which was carried by Deborah Rasmussen, Sergeant Salas stated that Deborah Rasmussen had brought brought [sic] evidentiary records with her to turn over to agents.

8. During several hours of conversation with Deborah Rasmussen she stated to me that Mark Rasmussen ships approximately one thousand pounds (1,000 pounds) of United States currency out of the United states twice a week on behalf of his criminal associates. She further stated that this currency is transported by aircraft belonging to Rasmark Jet Service. Deborah Rasmussen stated that this currency is not reported to the U.S. Customs Service as required by law. Deborah Rasmussen's son, Ian, stated that he had been telling his mother to got away from Mark Rasmussen for at least five years because Mark Rasmussen is a criminal.

9. During the course of the interview with Deborah Rasmussen she became uncooperative when she learned that all assets of Rasmark Jet Service may be subject to seizure and forfeiture by the U.S. Government. As Deborah Rasmussen left the U.S. Customs office in El Paso, Texas her son, Ian, stated to U.S. Customs Special Agents Fred Schroeder and Eric Mills that every thing that agents needed to convict Mark Rasmussen was in the box his mother carried.

10. A short time after Deborah Rasmussen and Ian had left the Customs Office Agents Mills and Schroeder told of the statement Ian had made. Agent Mills and I went to locate Deborah Rasmussen and ask her f or the contents of the box. Deborah Rasmussen and Ian were found at a service station on Viscount Boulevard, El Paso, Texas. I entered the station and asked Deborah Rasmussen to come outside and speak with me but she refused. I noticed at that time she did not have the box with her. After I had left the interior of the stations Ian, ran out the door on the opposite side of the station. I saw Ian go around a nearby rock wall and retrieve the box from a clump of bushes. Ian then returned to the station and gave the box to his mother, she sat the box on the f loor in the station. Based on the statement of Sergeant Salas that the box contained evidence, Ian's statement that the box contained evidence, and the fact that Deborah Rasmussen or Ian had hidden the box I decided to seize the box and the contents thereof.

11. I again entered the station and explained to Deborah Rasmussen that I believed that the box contained evidence of criminal activity and that I was going to seize the box and the contents. Over the objections of Rasmussen I seized the box and contents.

12. Special Agent Mills and I returned to the El Paso Customs Of f ice where we sealed the box and placed it in a locked office for safekeeping.

13. At approximately 3:45 a.m. on May 24, 1992 1 was contacted by Deborah Rasmussen via telephone. Rasmussen apologized for being uncooperative and told me that the box contained all the evidence that would be needed to convict Mark Rasmussen of many crimes. she further stated that she had been uncooperative because the contents of the box can also be used as evidence against her.

14. Based on the foregoing,, I believe that there is probable cause to believe that the brown cardboard file box which is marked, “2

of 18" contains evidence of violations of Title 18 USC 1956 and 18 USC 1957.

/s/ Lawrence E. Frost, Special Agent
United States Customs Service

Subscribed and sworn to before me this 26 day of May, 1992.

/s/ Janet Reusch
United States Magistrate Judge

[Paragraph numbers added to text and emphasis in original]

FROST'S AFFIDAVIT

1. Lawrence E. Frost, being duly sworn, depose and state:

That I am a Special Agent employed by the United States Customs Service, Department of the Treasury and have been so employed for approximately six years.

2. That in my duties as a Special Agent with the United States Customs Service I am assigned primarily to the investigation of cases involving money laundering and conspiracies related to money laundering and related controlled substance trafficking. As a result of my experience investigating money laundering and controlled substance trafficking I am frequently assigned to provide training to other federal agents as well as state and local police officers on money laundering related issues.

3. That as a result of my training and experience as a Special Agent with U. S. Customs, I know that records and other evidence of money laundering violations are subject to seizure as evidence of violations of Title 18 USC 1956 and Title 1957. I know from my experience that persons engaged in money laundering and controlled substance trafficking violations customarily maintain records of their financial activities such as ledgers, Bank account information, tax returns, money orders, wire transfer receipts, notebooks, and telephone and address books. I also know that persons who are engaged in money laundering frequently utilize computers and other electronic media to collect and store records relating to their illicit financial activities.

4. That as a result of my training an experience I know that persons engaged in money laundering activities frequently violate the provisions of the Bank Secrecy Act to wit: Title 31 United States Code section 5314, and 5316. These violations of the Bank Secrecy Act involve maintaining un-reported Bank accounts in foreign countries,

structuring of transactions in domestic financial institutions in order to avoid Cash Transaction Reports for large currency movements and the smuggling of bulk U.S. and foreign Currency and monetary instruments in order to avoid the filing of Cash and Monetary Instrument Reports with U.S. Customs. These violations are committed by persons engaged in money laundering in order to avoid detection of their currency movement through routine inspection of Bank records and financial data bases maintained by various U.S. Government agencies.

5. That as a result of my experience and training as a Special Agent I know that persons engaged in money laundering and related controlled substance violations typically maintain businesses which are utilized as "fronts" to explain income derived from their criminal activities. I also know that persons engaged in money laundering activities maintain accounts in foreign Banks in order to facilitate unreported and untraceable currency movements. These foreign accounts are utilized as an alternative to accounts in the United States Banks which are subject to the provisions of the Bank Secrecy Act.

6. Debra and Mark RASMUSSON are the owners of RASMARK Jet Charter Incorporated of El Paso, Texas The United States Customs Service, Federal Bureau of Investigation, Internal Revenue Service Criminal Investigation Division, United States Secret Service, El Paso Police Department and El Paso County Sheriff's Department are currently carrying out an investigation of RASMARK Jet Charter Incorporated and the RASMUSSONs. This investigation is predicated on evidence that the company is being utilized as part of a money laundering conspiracy.

7. In 1991 Mark RASMUSSON was indicted and brought to trial in the United States District Court for the Western District of Texas on charges of Aiding and Abetting the Jesus FLORES controlled substance distribution organization. The allegations against Mark RASMUSSON related to allegations that he (Mark RASMUSSON) had utilized his aircraft to transport Colombian citizens who were engaged in smuggling cocaine. The persons that RASMUSSON was alleged to have transported were allegedly engaged in transporting cocaine from Colombia to Mexico then on to the United States where the cocaine was

distributed by the FLORES Organization. At trial in the United States District Court for the Western District of Texas Mark RASMUSSON was found not guilty on the charges of Aiding and Abetting the Jesus FLORES organization.

8. The investigation of Mark RASMUSSON and RASMARK Jet Charter was conducted during 1990 and 1991 by a task force led by the United States Drug Enforcement Administration (DEA). The portion of this investigation which related to Mark RASMUSSON and RASMARK was predicated on facts which indicated that Mark and Debra RASMUSSON had provided transportation of controlled substances, currency and people in their aircraft in furtherance of the controlled substance conspiracy carried out by the Jesus FLORES Organization.

9. I have reviewed all reports from the DEA and the trial transcripts which relate to the prior case in which Mark RASMUSSON was indicted. This document review was carried out in an effort to assist me in determining whether Mark and Debra RASMUSSON and their associates were engaged in money laundering and other currency violations as far back as 1989. Through this document review I have discovered the following facts:

10. I have reviewed a written DEA Report of Investigation signed by Special Agent Steven Perkins, this report contains the statements reportedly made by Debra RASMUSSON to Special Agent Perkins on August 23, 1990. Special Agent Perksins asked Debra RASMUSSON if she knew that Jesus FLORES, who was at that time the subject of the DEA investigation, was a controlled substance trafficker, Debra RASMUSSON reportedly stated that she thought FLORES was a "hit man" because they (RASMARK Jet Charter) flew him (FLORES) "all over the country", he always paid in cash and he seldom took luggage with him.Debra RASMUSSON reportedly continued by saying that RASMARK Jet Charter never transported freight for FLORES and she again stated that he always paid in cash and usually in $50.00denominations. Debra RASMUSSON reportedly stated that FLORES had paid her in cash for flights and on occasion Joe PEAKE, a close associate of FLORES, would pay Debra RASMUSSON

in cash for flights Chartered by FLORES. When asked about records for flights Chartered by FLORES, Debra RASMUSSON stated that she kept those records at her home and not at the office of RASMARK Jet Charter. Debra RASMUSSON stated that she had the original invoices, manifests and billing sheets for FLORES at her home. Debra RASMUSSON, later in the interview, stated again that she would give the DEA Special Agents all original documents and Bank deposit slips for the cash received from FLORES.

11. I have obtained and reviewed a copy of a Drug Enforcement Administration (DEA) Administrative Subpoena issued to RASMARK Jet Charter and served by DEA Special Agent Steven Perkins on August 24, 1990. This subpoena required RASMARK Jet Charter to furnish all account documents and related records regarding Jesus FLORES and VISTA REMODELING to the DEA for use in the DEA investigation of FLORES.

12. Attached to the mentioned DEA subpoena is a copy of a letter on RASMARK Jet Charter letterhead. This letter is dated August 28, 1990. This letter states that Debra RASMUSSON as custodian of records for RASMARK Jet Charter was unable to locate any records relating to Jesus FLORES or VISTA REMODELING due to the loss of the office client file. Attached to this letter are four sets of documents bearing markings which indicate that these documents are reconstructions of RASMARK invoices, flight logs and manifests which were purported to be representations of all RASMARK business activity with FLORES. These reconstructed invoices are dated August 28, 1990.

13. I have reviewed a written DEA Report of Investigation signed by DEA Special Agent Steven Perkins. This report provides details of an interview of a person who is identified only as the RASMARK Jet Charter Office Manager. This interview occurred on August 29, 1990 and the person interviewed stated that she was the office manager at that time. The Office Manager reportedly told Special Agent Perkins that she had never heard Debra RASMUSSON speak of a missing client folder nor had she ever seen nor heard of a client file in the names of Jesus FLORES nor VISTA REMODELING.

The office Manager reportedly stated that she did all of the invoicing at RASMARK Jet Charter, and that after she prepared the three part invoice one copy would be sent to the customer, one copy would go into the client file and one copy was taken home by Debra RASMUSSON and maintained in a separate filing system at the RASMUSSON residence. As the interview with the office Manager continued, there was reportedly a second reference made by the Office Manager to the fact that Debra RASMUSSON maintained a set of business files in her (Debra RASMUSSON's) residence.

14. In a continuation of the same DEA Report of Investigation Special Agent Perkins reported that he had also interviewed Deborah RASMUSSON on August 29, 1990 at which time Debra RASMUSSON gave Special Agent Perkins the previously mentioned reconstructed invoices. During this interview Debra RASMUSSON reportedly told Special Agent Perkins that Jesus FLORES was nothing special to RASMARK Jet Charter. When Special Agent Perkins specifically questioned Debra RASMUSSON as to whether she had other customers who Chartered numerous passengers flights and paid in cash, Debra RASMUSSON responded in the negative.

15. A further review of the invoices and manifests given to the DEA by Debra RASMUSSON as well as the analysis of these records contained in a written report by Special Agent Perkins revealed a patterned of two payments of $8,000.00 each to RASMARK Jet Charter one payment occurring on June 9, 1990 and one on June 10, 1990. These payments total $16,000.00. I know through my experience that invoicing amounts in excess of $10,000.00 on two or more separate invoices dated on consecutive dates is frequently a form of structuring transactions to avoid the reporting requirements contained in Title 26 United States Code section 6050I..

16. I have reviewed a DEA Report of Investigation which details another interview with Debra RASMUSSON on August 23, 1990. This Report of Investigation is signed by Special Agent Steven Perkins. During the course of this interview, Debra RASMUSSON reportedly stated that she had checked at her residence for the records requested by the DEA and had found only pilot duty time sheets for two

Charters by Jesus FLORES.

17. I have reviewed a DEA Report of Investigation written by Special Agent Steven Perkins. This Report of Investigation details an interview with Susana ZALDIVAR on August 27, 1990. Susana ZALDIVAR reportedly stated that she was the Office Manager at RASMARK Jet Charter for approximately two and one half months ending on approximately July 21, 1990. Susana ZALDIVAR stated that in her capacity as Office Manager she was responsible for all invoicing, billing and maintaining all client files. Susana ZALDIVAR reportedly stated that she never did an invoice for Jesus FLORES nor VISTA REMODELING. Susana ZALDIVAR stated there was never a client file for Jesus FLORES nor VISTA REMODELING at the office of RASMARK Jet Charter. Susana ZALDIVAR reportedly stated that she had been told by the RASMUSSONS that FLORES was a special account and that they (RASMUSSONS) would handle all billings for FLORES. Susana ZALDIVAR stated that she was told by Debra and Mark RASMUSSON that if FLORES called RASMARK Jet Charter and wished to Charter a flight and the RASMUSSONs were not available that FLORES was to be taken where he wished to go and Mark or Debra RASMUSSON would handle billing themselves upon their return. Susana ZALDIVAR reportedly told Special Agent Perkins that FLORES had only Chartered flights on two or three occasions and that FLORES was a cash customer.

18. I have reviewed a DEA Report of Investigation relating to an interview of Jerry BURNETT, who was at the time of the interview and remains as of this writing the chief pilot (BURNETT has been the chief pilot since at least mid 1989 although he has been fired and re-hired several times) of RASMARK Jet Charter. This interview reportedly occurred on August 26, 1990. During the course of this interview Jerry BURNETT reportedly stated that he had been the pilot on at least three flights Chartered by Jesus FLORES into Mexico. Jerry BURNETT reportedly stated that on one of these flights he had picked up additional passengers in Mexico and that these people were armed with rifles and semi-automatic handguns. Jerry BURNETT stated that he believed that the passengers were Mexican law enforcement officers. Jerry BURNETT reportedly stated that upon his return to El Paso,

Texas he went to Mark and Debra RASMUSSON and reported the unusual events of his flight into Mexico with FLORES. Mark and Debra RASMUSSON and Jerry BURNETT concluded that "FLORES was in the illegal drug business". BURNETT reportedly told Special Agent Perkins that during July, 1990 he had several conversations with the RASMUSSONs regarding FLORES and "his people" being in the drug business and that both Mark and Debra RASMUSSON told him (BURNETT) that they knew that FLORES was in the drug business.

19. I have reviewed the transcripts of the testimony of Jerry BURNETT in the trial of Jesus FLORES et al in the U.S. District Court for the Western District of Texas. During the direct examination of Jerry BURNETT, he (BURNETT) denied that he ever stated to Mark RASMUSSON that Jesus FLORES was involved in illegal activities. Jerry BURNETT further denied that Mark RASMUSSON had ever remarked to him (BURNETT) that Jesus FLORES was engaged in any illegal activity. In further review of the transcript of Jerry BURNETT's testimony on cross examination he again denied that he ever discussed any allegations of criminal activity involving Jesus FLORES with Mark RASMUSSON.

20. During the course of the previously mentioned interview of Jerry BURNETT, Jerry BURNETT reportedly told Special Agent Perkins that Mark and Debra RASMUSSON were not being truthful with the investigating agents. Jerry BURNETT stated that the RASMUSSONs lack of honesty was caused by their desire to conceal the extent of their cash transactions with FLORES which they were attempting to conceal from the Internal Revenue Service. Jerry BURNETT also stated that the RASMUSSONs were concealing the Charters for FLORES and that the RASMUSSONs kept no records of flights Chartered by FLORES and that they did not report FLORES' cash payments to the Internal revenue Service. Jerry BURNETT estimated that the cash payments to the RASMUSSONs by Jesus FLORES were in excess of $50,000.00.

21. I have reviewed a written DEA Report of Investigation signed by Special Agent Steven Perkins. This report relates to the service of a DEA Administrative Subpoena on the accounting firm of

APODACA and Jensen for all financial information relating to RASMARK Jet Charter and Mark and Debra RASMUSSON and a related interview of Albert APODACA and Keven Jensen which occurred on August 28, 1990. During the course of this interview Mr. APODACA and Mr. Jensen told Special Agent Perkins that on the afternoon of August 27, 1990 Mark RASMUSSON came to the office of APODACA and Jensen and stated that he wished to amend his May, 1990 financial report to include an $11,000.00 cash transaction. The financial report referenced by Mr. APODACA is not a required U.S. Government report, rather this is an internal RASMARK Jet Charter report compiled by APODACA and JENSEN at the request of the RASMUSSONs. When Mark RASMUSSON was advised that the May, 1990 financial report could be amended but that the amended report would have to be attached to the original report along with a statement to explain the correction, Mark RASMUSSON asked if he should re-construct invoices to match the amounts of which government agents were aware. Mr. APODACA and Mr. Jensen advised Mark RASMUSSON to report all transactions accurately and correctly. Mr. APODACA and Mr. Jensen stated that after they provided this advise to Mark RASMUSSON, Mark RASMUSSON stated that to protect themselves, they should not release any information about RASMARK Jet Charter to anyone without a subpoena or court order. Mr. APODACA and Jensen reportedly told Special Agent Perkins that these statements by Mark RASMUSSON alarmed them and led them to feel that there were possible problems associated with the RASMARK Jet Charter account. Mr. APODACA also told Special Agent Perkins that in an annual financial review of RASMARK Jet Charter which is signed by both Mark and Debra RASMUSSON they (RASMUSSONs) reported that they accepted no cash, all payments were made by either check or credit card. The financial review mentioned by Mr. APODACA is not a report required by the U.S. Government, rather it is an in-house report on the financial activity of RASMARK Jet Charter for the preceding year. Mr. APODACA stated that if the RASMUSSONs had received any cash payments, these payments should have been reported to him. Mr. APODACA stated that he was relatively familiar with the major accounts of RASMARK Jet Charter and that he had never heard of Jesus FLORES nor VISTA REMODELING.

22. Included in the Report of Investigation mentioned in the above paragraph is an analysis of the financial records obtained by Special Agent Perkins from APODACA and Jensen and Company. According to the analysis by Special Agent Perkins there are no records of any cash payments nor cash Bank deposits.

23. My review of the transcript from the trial of Jesus FLORES et al, in which Mark RASMUSSON was a defendant has revealed that a large volume of information regarding the requirements for reporting cash transactions in excess of $10,000.00 were discussed.

24. I have obtained a copy of a document which is marked as Government Exhibit 125 from the trial of Jesus FLORES et al. This document is from the files of APODACA and Jensen and Comapny. The document is dated April 10, 1990. The document states that RASMARK Jet Charter does not accept cash and that RASMARK Jet Charter aircraft are not used for personal use with the exception of a Cessna Model 210 which is for personal use ten per cent of the time. This document bears the initials "MR".

25. I have received a written report from Federal Bureau of Investigation (FBI) Special Agent Joe Acosta. This report is dated June 7, 1993. This report details an interview conducted with an individual who is referred to as a reliable confidential informant. I have been told by Special Agent Acosta that the confidential informant who provided the information contained in this report had close ties to and was criminally involved with the high ranking members of the Jesus FLORES controlled substance trafficking organization during the years that FLORES was active.

26. The FBI confidential source stated that Jesus FLORES and Arturo BERMUDEZ were introduced to Mark RASMUSSON by Pete SEAVERNS in 1988. The FBI source stated that Mark RASMUSSON became involved in money laundering with FLORES. The FBI source further stated that Mark RASMUSSON was buying aircraft parts with the proceeds of trafficking in controlled substances. The FBI source also stated that Jesus FLORES was involved in money laundering with an individual named Hector Saenz. Hector Saenz is a

major money laundering suspect currently under investigation by U.S. Customs.

27. The FBI source stated that Hector Saenz worked with Mark RASMUSSON and Ricardo Valdez in their money laundering activities. The source stated that he/she had personnel knowledge that in the past Mark RASMUSSON would travel throughout the United States in his aircraft and collect proceeds of trafficking in controlled substances and then deliver the proceeds to the interior of the Republic of Mexico.

28. All persons who import to or export from the United States currency or monetary instruments in excess of $10,000.00 are required to file a Cash or Monetary Instrument Report (CMIR) with U.S. Customs. This report is a requirement of Title 31 United States Code section 5316 and 31 CFR 103.23. All of these reports are recorded in the U.S. Treasury Department Financial Data Base. I have reviewed all Cash and Monetary Instrument Reports filed with United States Customs in the name of Mark or Debra RASMUSSON or RASMARK Jet Charter, there is only one such filing on February 15, 1991 in which Debra RASMUSSON attempted to import $10,000.00 through the Ysleta, Texas Port of Entry without reporting the currency. When the currency was discovered by Customs Inspectors, Debra RASMUSSON filed the required report.

29. The FBI source stated that Mark RASMUSSON received approximately $500,000.00 in controlled substance proceeds from Jesus FLORES during 1989 and 1990. The majority of the money Mark RASMUSSON received from FLORES was used to purchase aircraft parts, aircraft engines and pay expenses incurred during his (Mark RASMUSSON's) money laundering activities. Any person who engages in a financial transaction involving funds which were derived from the commission of trafficking in controlled substances has committed a violation of Title 18 United States Code section 1957.

30. On November 3, 1993 I received a written report from FBI Special Agent Joe Acosta. This report provided information from an FBI confidential source this source is referred to in this report as

FBI-1.

31. According to the FBI report FBI-1 stated that during December, 1991 he/she was inside of the RASMUSSON residence at 11157 Leo Collins Dr. El Paso, Texas. On this occasion FBI-1 saw a large suitcase in Debra RASMUSSON's bedroom closet. Inside of the suitcase FBI-1 reported that he/she saw what appeared to be controlled substances and U.S. currency. FBI-1 reported that the contents of the suitcase were clear plastic bags containing a white powder substance and other packages wrapped in tin foil. FBI-1 further reported that the currency in the suitcase was of various denominations.

32. FBI-1 also reported that during February, 1992 he/she had seen three or four storage type boxes underneath Debra RASMUSSON's bed and in Debra RASMUSSON's closet. FBI-1 reported seeing business records from RASMARK Jet Charter including fuel bills and statements and flight planning forms. One of the boxes contained 20 to 30 Bank statements. The Bank statements were from Bank in Colorado, Alaska, Cabo San Lucas, Mexico, New York and the Cayman Island.

33. I know from my experience investigating money laundering cases that persons involved in unlawful currency manipulation and violations involving structuring transactions to avoid the Bank Secrecy Act reporting requirements frequently maintain several Bank accounts in different geographic areas often foreign Bank accounts. I also know that persons engaged in money laundering frequently stockpile currency in their homes and/or businesses prior to placing the money in foreign or domestic circulation which commences the laundering process. I also know that the Cayman Is lands is a "financial haven" due to the intense secrecy involving financial transactions and the lack of currency transaction reporting laws.

34. Under the provisions of Title 31 United States Code section 5314 and Title 31 Code of Federal Regulations section 103.24 all residents and citizens of the United States or a person doing business in the United States who maintain foreign Bank accounts must report the existence of these accounts to the U.S. Department of the Treasury.

The U.S. Department of the Treasury Financial Data Base contains no Foreign Bank Account Reports in the names of Mark nor Debra RASMUSSON nor RASMARK Jet Charter for the years of 1988, 1989, 1990, 1991, 1992 nor 1993 as of November 1, 1993.

35. During March of 1992 I was contacted by Officer George Salas of the El Paso Police Department. Officer Salas told me that he had been contacted by Debra RASMUSSON and that she had alleged that her husband, Mark RASMUSSON, was attempting to kill her. Officer Salas stated that he understood that Debra RASMUSSON was of interest to the Customs Service and that he would provide any information she provided to him.

36. On May 23, 1992 I was contacted by Officer Salas. Officer Salas stated that Debra RASMUSSON had decided that she wished to meet with federal agents to provide information relating to the criminal activities of Mark RASMUSSON and associates.

37. I met with Officer Salas, Debra RASMUSSON and her fifteen year old son, Ian MAYE, in El Paso, Texas. At the time of this meeting Officer Salas pointed to a brown cardboard file box, bearing a handwritten notation, "2 of 18", which was brought and carried by Debra RASMUSSON, Officer Salas stated that Debra RASMUSSON had brought evidentiary records which Debra RASMUSSON wished to turn over to the agents.

38. During several hours of conversation with Debra RASMUSSON she stated to me that Mark RASMUSSON ships approximately one thousand pounds (1,000 pounds) of United States currency out of the United States twice a week on behalf of his criminal associates. She further stated that this currency is transported by aircraft belonging to RASMARK Jet Charter. Debra RASMUSSON stated that this currency is not reported to the U.S. Customs Service as required by law. Debra RASMUSSON's son, Ian MAYE, stated that he had been telling his mother to get away from Mark RASMUSSON for at least five years because Mark RASMUSSON is a criminal.

39. Transportation of currency derived from a Specified

Unlawful Activity from the United States to a place outside of the United States to promote the carrying on of the Specified Unlawful Activity is a violation of Title 18 United States Code section 1956(a)(2)(A) and transportation of currency derived from specified Unlawful Activities to avoid the reporting requirements of Title 31 United States Code section 5314 is a violation of Title 18 United States Code section 1956(a)(2)(B)(ii).

40. During the course of the interview with Debra RASMUSSON she became uncooperative when she learned that all assets of RASMARK Jet Charter may be subject to seizure and forfeiture by the U.S. Government. As Debra RASMUSSON left the U.S. Customs Office in El Paso, Texas her son, Ian MAYE, stated to U.S. Customs Special Agents Fred Schroeder and Eric Mills that everything that the agents needed to convict Mark RASMUSSON was in the box his mother carried.

41. Based on the statement of Officer Salas that the box contained evidence and Ian MAYE's statement that the box contained evidence, I believed that the box contained evidence of criminal activity I seized the box and the contents.

42. On May 26, 1992 I prepared an affidavit and application for a search warrant for the box which had been seized from Debra RASMUSSON. The affidavit and application for search warrant were reviewed and approved by Assistant United States Attorney Sam Ponder.

43. At 4:00 p.m. on May 26, 1992 a search warrant was issued by the Honorable Janet Ruesch, United States Magistrate Judge for the Western District of Texas.

44. On May 27, 1992 at approximately 9:00 a.m. I opened the box of records which had been seized from Debra RASMUSSON. The search and inventory of the box was made by me and witnessed by Special Agent Joe Acosta of the Federal Bureau of Investigation and Special Agent Fonda HIVICK of the Internal Revenue Service Criminal Investigation Division. The box contained a mixture of business records

from RASMARK Jet Charter, including numerous tax records. The box also contained records relating to the personal finances of Mark and Debra RASMUSSON. The contents of the box upon analysis indicted that the RASMUSSONs are engaged in tax evasion.

45. On September 16, 1992 Special Agent Mills reported via written report that he observed a red Mercedes 560SL bearing Arizona license HSR 995 arrive at RASMARK Jet Charter at approximately 12:15 p.m. The vehicle was occupied by two hispanic males, both of whom entered the business. The two males left the building and departed in the vehicle after a short time. A check of this vehicle license plate through the Treasury Enforcement Communication System revealed that the vehicle was subject of a suspect record alleging controlled substance smuggling by Special Agent Pamela Harrington of the U.S. Customs Office of Enforcement, Riverside, California. Special Agent Mills contacted Special Agent Harrington regarding this vehicle. Special Agent Harrington told Special Agent Mills that the Mercedes automobile was owned by Hector BARRERA of Corona, California. Special Agent Harrington stated that BARRERA was a suspect in a controlled substance smuggling investigation in which over seven tons of cocaine had been seized as of the date of his inquiry, September 16, 1992.

46. I have since been advised by Special Agent Harrington that during February, 1993 800 pounds of marijuana was found by U.S. Customs Special Agents in BARRERA's residence near Riverside, California. BARRERA is now a fugitive.

47. On November 10, 1992 at approximately 9:10 P.M. United States Customs Inspectors at the Ysleta Port of Entry, El Paso, Texas carried out an intensive inspection of a 1989 Mercedes automobile driven into the United States from the Republic of Mexico by Debra RASMUSSON. The vehicle was found to contain .1 grams of marijuana. Debra RASMUSSON was found to be in possession of a switchblade knife. The vehicle was seized under U.S. Customs zero tolerance guidelines. Debra RASMUSSON was arrested by the El Paso Police for possession of unlawful weapon.

48. At approximately 9:30 p.m. on November 10, 1992 I was notified that Debra RASMUSSON was being detained at the Ysleta, Texas Port of Entry. Special Agent Eric Mills and I responded to the Port of Entry.

49. I attempted to interview Debra RASMUSSON. Debra RASMUSSON refused to acknowledge that she was being spoken to.

50. I conducted an inventory search of the seized Mercedes automobile which had been driven by Debra RASMUSSON from Mexico into the United States. In the vehicle I found two documents from BANAMEX. One of these documents is a deposit receipt dated November 10, 1992 to account 738165-3 in the name of Mark B. RASMUSSON, the deposit is in the amount of "7,803,096" the receipt does not indicate if this amount is dollars or pesos. The second document is entitled, "Liquidacion de Documentos" this document is also in the name of Mark B. RASMUSSON and shows an account number of 738165-3. This document is dated November 10, 1992 and shows an amount of "33,304" paid in cash. The term Liquidacion De Documentos indicates that checks or other instruments were exchanged for cash.

51. Under the provisions of Title 31 United States Code section 5314 and 31 CFR 103.24 all residents and citizens of the United States or a person doing business in the United States who maintain foreign Bank accounts must report the existence of these accounts and/or transactions to the U.S. Department of the Treasury. The U.S. Department of the Treasury Financial Data Base contains no Foreign Bank Account reports in the names of Mark nor Debra RASMUSSON nor RASMARK Jet Charter for the years 1988, 1989, 1990, 1991, 1992 nor 1993 as of November 1, 1993.

52. On February 12, 1993, Senior Special Agent Fred Schroeder, El Paso Police Senior Detective James Holland and Customs Auditor Hector BARRERA interviewed Arturo VARGAS at the U.S. Customs Office of Enforcement, El Paso, Texas. Mr. VARGAS stated that he was hired by Debra RASMUSSON in May of 1992 as an on site (in House) accountant for a yearly salary of $30,000.00. VARGAS

stated that he left RASMARK in July 1992. VARGAS stated that the books for RASMARK were being done by Debra RASMUSSON and the tax work was being handled by Albert APODACA of the accounting firm of APODACA and Jensen, 800 East Wyoming, El Paso,Texas. Mr. VARGAS first began to clean up the internal accounts and book work for the company. During this work with the RASMARK Jet Charter books, Mr. VARGAS stated that he found that RASMARK Jet Charter was making out double invoices, with the amounts on the invoice or the description of money due RASMARK and/or amounts of cargo carried on the invoice or the description of the cargo carried slightly altered. In some cases the number of the invoice was the same, however the amount due RASMARK Jet Charter or the cargo description was changed. When this work was done and he requested access to the Bank records for the accounts at EL PASO STATE BANK, BANK of the WEST and the MERRILL LYNCH trust account, Debra RASMUSSON became very suspicious of Mr. VARGAS to the point of accusing him of being an FBI agent stating that he knew to much about how the business worked.

53. Mr. VARGAS stated that the RASMUSSONs took in a lot of cash, however he never saw over $10,000.00 at one time. Mr. VARGAS stated that on several occasions he was told by Mark or Debra RASMUSSON to make out a cash receipt, however he never saw the cash that corresponded with the receipt.

54. Mr. VARGAS stated that Mark RASMUSSON was fairly good with computers and that records were being kept on computers within the company. The computers were connected by a network, however both Debra and Mark RASMUSSON kept other records stored on computers located in their offices. These records were not accessible though the network.

55. Mr. VARGAS further stated that the RASMUSSON's helped David CHAVEZ start the company Next Flight, however he did not have any further information about the company.

56. Mr. VARGAS stated that after leaving RASMARK he worked for APODACA and Jensen. Albert APODACA told Mr.

VARGAS that Debra RASMUSSON admitted not paying taxes on $100,000.00 of income in 1990 or 1991.

57. On March 1, 1993, Officer Clifford Gongaware provided the following statement to El Paso Police Senior Detective James Holland in regards to activities around RASMARK Jet Charter:

58. On July 13, 1992 Officer Gongaware was working the 11:00 p.m. to 7:00 a.m. shift at the El Paso International Airport. Officer Gongaware stated that at 1:25 AM he was sent to Gate 62 (T-hangar area) because a vehicle was blocking the gate. When he arrived at the gate Officer Gongaware stated that he found a large yellow truck with Chihuahua plates stopped at the gate. Officer Gongaware further stated that the truck was occupied by Sergio Roman (driver), DOB: 03-10-61 AND Adrian M. Varela, dob: 10-7-64. The two men told Officer Gongaware they needed in the gate to deliver some seat belts to RASMARK Jet Charter.

60. Officer Gongaware stated that while he was checking on the two men, a vehicle arrived from inside of the airport gate. Officer Gongaware stated that the vehicle had come from the area of RASMARK Jet Charter. The vehicle contained two white males. Officer Gongaware stated that a blond male exited the vehicle and verified the truck drivers store. The blond male stated he was from RASMARK Jet Charter. It was further explained to Officer Gongaware, that the seat belts were for Ford Motor Company and needed to be flown immediately to Detroit. Officer Gongaware stated that he was shown paperwork on the seat belts and being satisfied at this point he allowed the to enter.

61. Officer Gongaware stated that he felt further investigation was needed and drove near some hangers with this lights out and surveilled the RASMARK Jet Charter building. He watched the loading of a Lear Jet and noticed a male subject stationed away from the plane, facing north towards the airport and another male positioned to face south towards Boeing St.

62. Officer Gongaware stated that he took no action, but later

reported the matter to Lt. Dave Hamrick, his Division Commander. Lt. Hamrick advised him the business was under investigation and to stay clear of the area. Officer Gongaware did note the incident with the truck at the gate, on his log sheet and a copy has been obtained.

63. On March 1, 1993, Officer Andrew DeAngelo provided the following statement to Detective Holland:

64. Officer DeAngelo stated that about 6 months ago (A check of Officer DeAngelo's log sheets indicate the date to be July 24, 1992. This would be approximately 2-weeks after the incident described by Officer Gongaware.), he was working the 11:00 p.m. to 7:00 a.m. shift at the El Paso International Airport. Officer DeAngelo stated that he stopped his patrol car by the airport perimeter fence at about 3:00AM. Officer DeAngelo was watching a person walking around in the parking lot of the Marriott Hotel, 1600 Airway Boulevard, El Paso, Texas. Officer DeAngelo stated that he noticed several people apparently loading one of the Lear Jets at RASMARK Jet Charter. Officer DeAngelo stated that he then noticed that there was a guard, armed with a rifle, posted to watch north towards the main airport area and another guard with a rifle posted to watch south towards Boeing St. Officer DeAngelo stated that he watched the activity for about 15 minutes. Officer DeAngelo stated that he then observed all of the persons go into the RASMARK Jet Charter building. Officer DeAngelo then went and reported the matter to Officer Clifford Gongaware. Officer Gongaware advised him to stay clear of the business as it was under investigation.

65. I know that guards are not generally required to transport automotive parts.

66. On March 9, 1993 Debra RASMUSSON filed for divorce from Mark RASMUSSON in the District Court of El Paso County, Texas.

67. On March 9, 1993 Special Agent Eric Mills and I conducted an interview with Gail BEECH [sic], owner of AERO FREIGHT of El Paso, Texas. Gail BEECH is known to have had a business relationship with Mark and Debra RASMUSSON. Gail

BEECH stated that she first met Mark RASMUSSON during 1986. Gail BEECH stated that at time Mark RASMUSSON was residing in Kenosha, Wisconsin and that Gail BEECH had sub-contracted Charter flights Mark RASMUSSON. Gail BEECH stated that during her initial contract with Mark RASMUSSON he told her that he had purchased his aircraft with money he had inherited from his grandfather who was the inventor of the popsicle stick.

68. Gail BEECH stated that the FORD FAVESA contract was administrated in the El Paso/Juarez area by Joe SUDOMIR and Andy GANTKESSY. Gail BEECH stated that the RASMUSSONs were engaged in a "kick back" scheme with Joe SUDOMIR and are currently engaged in such a scheme with Andy GANTKESSY.

69. Gail BEECH stated that she was told by a former RASMARK pilot, Mark McAllister, that Mark RASMUSSON stated, while under the influence of alcohol, that he (RASMUSSON) keeps large amounts of money in Bank(s) in the Cayman Islands.

70. Gail BEECH stated that her salary from her air freight company has never exceeded $38,000.00 in one year. Gail BEECH stated that although Charter and air freight rates can be very high the actual operator profit after all expenses is approximately 10 to 12 percent of operator income.

71. During the course of this interview BEECH recommended that I interview Steve THORN of Taos, New Mexico Gail BEECH stated that Steve THORN is the brother of one of her (BEECH 's) business partners and that Mr. THORN had information on Mark RASMUSSON and an associate.

72. On March 15, 1993 I contacted Steve THORN via telephone. I conducted an interview of Mr. THORN regarding Mr. THORN's knowledge of Mark RASMUSSON et al.

73. Mr. THORN stated that he and his wife were at a wedding reception at the Holiday Inn in Taos, New Mexico during October, 1992. During the course of this event, Mr. THORN met a male subject

named Don or Ron JOHNSON (per THORN's recollection). Mr. THORN described this person as a white male, approximately five feet ten inches tall, thin, balding but wearing a pony tail, a large nose and wearing glasses. Mr. THORN stated that at the time of this contact, "JOHNSON" appeared to be under the influence of alcohol.

74. Mr. THORN stated that he told "JOHNSON" that members of his (THORN's) family had invested in an air freight company (AERO FREIGHT INC) in the El Paso area after "JOHNSON" had mentioned being associated with RASMARK AIR Charter. Mr. THORN stated that "JOHNSON" was obnoxious and stated that RASMARK was going to run all other air Charters in El Paso out of business.

75. "JOHNSON" continued that he and Mark RASMUSSON were flying controlled substances and drug money "all over the place" and that DEA is aware of their activities but can't catch them. "JOHNSON repeated that "DEA will never catch us" (reference "JOHNSON" and RASMUSSON) 3 or 4 times during the course of the conversation with Mr. THORN.

76. Mr. THORN stated that "JOHNSON" spoke and behaved as though he were a major part of the RASMARK company and as though he was big in "the Organization".

77. Based on Mr. THORN's description of "JOHNSON" I believe this person to be RASMUSSON associate Donald Mitchell JOSEPH. Donald JOSEPH is listed by RASMARK as an employee of RASMARK Jet Charter and is authorized El Paso Airport identification and ramp privileges as an employee of RASMARK. Donald JOSEPH has been observed accompanying Debra RASMUSSON on RASMARK aircraft flights to Wickenburg, Arizona. A vehicle registered to Donald JOSEPH with a Flagstaff, Arizona address has been seen at the RASMUSSON residence.

78. On March 16, 1993, Senior Special Agent Fred Schroeder and El Paso Police Senior Detective James Holland interviewed Christopher HINES. Mr. HINES stated that he was employed by

RASMARK Jet Charter from November, 1990 through September, 1991. Mr. HINES stated that shortly after he started working for RASMARK Jet Charter, Debra RASMUSSON gave him a check for $4,000.00 and told him to cash the check and bring the money back to her. When Mr. HINES returned the money to Debra RASMUSSON he asked if the money was a Christmas bonus for all of the employees. Debra RASMUSSON stated that it was not. Debra RASMUSSON further stated that the money was for a person who had given them a lot of business. Mr. HINES believes the money was going to Andy GANTKESSY, the Ford Motor Company contact used by the RASMUSSONs in El Paso, Texas. On another occasion Debra RASMUSSON gave Mr. HINES a check to cash. In the ledger, Debra RASMUSSON wrote the notation "Chris's Commission". When HINES questioned Debra RASMUSSON about the check, she stated that the money was not for HINES. Debra RASMUSSON went on to state that she owed Andy (GANTKESSY) some money, but could not put his name on the check.

79. Mr. HINES stated when he took bills or invoices for the Ford account he was told not to give the paper work to anyone other than GANTKESSY. Mr. HINES further stated that GANTKESSY and RASMARK Jet Charter were billing Ford for flights that did not occur.

80. In his position with RASMARK Jet Charter Mr. HINES was given an overdraft notice from the First Bank of Avon, Colorado, account number 32-1044. The account is in the name of Mark and Debbie RASMUSSON, 6825 Convair, El Paso International Airport, El Paso, Texas.

81. On one occasion a Mexican male, accompanied by a women and children hired RASMARK Jet Charter to fly them to the Cayman Islands. Debra RASMUSSON and the man went into her office, closed and locked the door. The paid Debra RASMUSSON in cash, approximately $13-14,000.00. Debra RASMUSSON came out of the office after the man left and showed Mr. HINES the money. Mr. HINES told Debra RASMUSSON that it was not a very good way for the man to pay if it was a business trip, because he would have no records. Debra RASMUSSON told Mr. HINES not to worry about the

money it was none of his concern.

82. On Thursday March 18, 1993 El Paso County Sheriffs Detectives Neil Baker and Jerry Keith obtained the residential trash from the RASMUSSON residence located at 11157 Leo Collins, El Paso, Texas. Detectives Baker and Keith obtained an airport landing receipt in the name of RASMARK Jet Charter in the trash.

83. On March 22, 1993, El Paso County Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins Dr. El Paso, Texas. From the trash Detective Baker recovered a computer generated balance sheet reflecting four flight invoices from RASMARK Jet Charter. This invoice details four flights on behalf of Ford Motor Company.

84. On April 5, 1993 El Paso County Sheriffs Detectives Neil Baker and Jerry Keith obtained the residential trash from the RASMUSSON residence 11157 Leo Collins, El Paso, Texas. Detectives Baker and Keith found a BANAMEX deposit receipt in the amount of "$15,216,055.00" however the receipt does not indicate if the amount is for dollars or pesos. The receipt lists an account number of 738165-3 and a date of July 23, 1992. This receipt is in the name of Mark B. RASMUSSON.

85. On Thursday April 8, 1993 El Paso County Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins Dr. El Paso, Texas. The following items were removed from the trash by Detective Baker:

(1) Two pages from a personal phone book with business telephone numbers. These numbers are all aviation related.

(2) An internal telephone or intercom listing for all phones inside the house at 11157 Leo Collins. This list gives the location of telephones and the fax machines located in the house as well as any special dialing instructions.

(3) A yellow sheet of 8.5 x 11 paper with the notation King Air

Albuq. Friday written in the right corner. Under this notation are the names "Juan & Tim". The paper also has "Westin 534- 3000" written in the lower left corner. This number is to the Westin Paso Del Norte Motel, El Paso, Texas. The paper also has several other notations on the upper right side.

(4) Two American Express receipts. One of these is in the name of RASMARK Jet Charter dated March 1, 1993 the charge is from a merchant in Mexico. The second is in the name of Debra RASMUSSON. The account numbers on the credit cards used in these transactions are different.

86. On Monday April 19, 1993 El Paso County Sheriffs Detective Neil Baker conducted a residential trash pickup at the RASMUSSON residence, 11157 Leo Collins Dr. El Paso, Texas. The following items were removed from the trash:

(1) A blank note pad from RASMARK Jet Charter.

(2) A sheet of paper from a MZM Delivery Service Note with the name of Don JOHNSON & Cindy 471-5776. The telephone number does not have any area code.

(3) A letter from the Sontrol alarm company about Mark RASMUSSON's residence Account, #9579 and 10504, with the alarm company.

(4) A letter and price list from Phillips 66 Company with a listing of aviation fuel prices and dealer locations through out the United States.

(5) A Mexican permit for Anna RASMUSSON to travel by aircraft into Mexico. The permit is filed in Puerto Vallarta, Mexico and dated December 30, 1992.

87. On April 20, 1993 El Paso Police Department Senior Detective James Holland reported to me that a Confidential Source reported that Mark RASMUSSON had been arrested in the Cayman Islands and was being held in custody by the Royal Cayman Police. I

confirmed that Mark, RASMUSSON had been arrested and was in custody in the Cayman Islands through U.S. Customs Special Agents assigned as liaison to the Cayman Islands authorities. Through this inquiry I learned that the arrest of Mark RASMUSSON was not related to trafficking in controlled substances nor financial violations.

88. At approximately 12:00 PM on May 3, 1993, El Paso County Sheriff's Detective Jerry Keith established surveillance on the RASMARK Jet Charter Office. Detective Keith observed a white colored pick-up, Texas license CB-1779 depart the business. The vehicle is registered to Gildardo ROSALES, 10245 Whitetail, El Paso, Texas. ROSALES is the target of an on going joint investigation into controlled substance trafficking being conducted by U.S. Customs and the El Paso County Sheriffs Office.

89. On May 6, 1993 El Paso County Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. In the trash, Detective Baker found Pilot duty logs in the name of RASMUSSON, BURNETT, Schroeder, MLESCH, and other copilots. All of these logs are dated in 1989 and 1990.

90. On May 11, 1993 U.S. Customs Senior Special Agent Fred Schroeder and FBI Special Agent Joe Acosta interviewed Joe SEAVERNS. Mr. SEAVERNS is the former owner of DOVE MOTORS in El Paso, Texas and the former of the residence at 11157 Leo Collins, El Paso, Texas which is now owned and occupied by the RASMUSSONs.

91. Mr. SEAVERNS stated that he had sold his home to the RASMUSSONs for a total price of $302,000.00 and that the RASMUSSONs had made a down payment to him of over $129,000.00 in a mixture of personal checks, cashier's checks and cash. Mr. SEAVERNS stated that he had heard that Mark RASMUSSON had inherited a large sum of money from his grandfather, but that this money had been "blown" before Mark RASMUSSON arrived in El Paso, Texas.

92. On May 13, 1993, El Paso Police Senior Detective James Holland and U.S. Customs Senior Special Agent Fred Schroeder obtained the residential trash from 11157 Leo Collins, El Paso, Texas. Special Agent Schroeder retrieved a folded up advisement form from the Internal Revenue Service giving the requirements for reporting cash purchases over $10,000.00.

93. I have obtained a copy of an affidavit sworn to by Jerry BURNETT on May 21, 1993. This affidavit was made by Jerry BURNETT as part of the RASMUSSON divorce case. A copy of the affidavit was obtained from the Clerk of the District Court for El Paso County, Texas. In the referenced affidavit, Mr. BURNETT stated that he was employed (Mr. BURNETT was fired by Debra RASMUSSON while Mark RASMUSSON was in the Cayman Islands, upon his return Mark RASMUSSON re-hired BURNETT) as the Chief Pilot of RASMARK Jet Charter until he was fired by Debra RASMUSSON. Mr. BURNETT further stated that he had seen Debra RASMUSSON destroy records in the offices of RASMARK JET Charter and he had also seen Debra RASMUSSON remove records which are required by the FAA from office files and place them into a box.

94. On May 24, 1993 U.S. Customs Confidential Source SA371EP who has access to the records of BANAMEX provided me with a computer printout from the BANAMEX computer which showed Mark B. RASMUSSON of 6805 Boeing, El Paso, Texas to be the holder of BANAMEX account number 7381653. SA371EP told me that his account is located at the BANAMEX branch in Guymas, Sonora, Mexico.

95. On June 2, 1993, U.S. Customs Special Agents Fred Schroeder, and Larry Brown, Federal Bureau of Investigation Special Agent Joe Acosta and El Paso Police Department Senior Detective James Holland and I contacted Andrew GANTKESSY at 15 Leigh Fisher Drive, El Paso, Texas. GANTKESSY is an employee of Favesa (a Mexican subsidiary of Ford Motor Company). Mr. GANTKESSY agreed to talk to Agents and was interviewed for a short time about his knowledge and involvement with Debra and Mark RASMUSSON.

96. Mr. GANTKESSY stated that he had received money from Debra and Mark RASMUSSON, however he did not think the money was a pay off. Mr. GANTKESSY was told by Debra RASMUSSON that she was giving him the money because she liked him. Mr. GANTKESSY further stated that he had gone on several free rips with the RASMUSSONs.

97. Special Agent Schroeder made arrangements to have Mr. GANTKESSY come to the Office of Enforcement for a more detailed interview on June 3, 1993.

98. On June 3, 1993, Special Agent Schroeder and Special Agent Joe Acosta again interviewed Mr. GANTKESSY.

99. Mr. GANTKESSY stated that he received money on several occasions from Debra RASMUSSON, other than on the trips. Mr. GANTKESSY stated that Debra RASMUSSON gave him different amounts anywhere from $50.00 to $3,500.00 in cash. Mr. GANTKESSY stated that on one of the trips to Las Vegas Mark RASMUSSON gave him $1,200-1,500.00, stating that it was from Debra RASMUSSON. Mr. GANTKESSY was not sure however what the total amount that he received was.

100. Mr. GANTKESSY stated that Debra RASMUSSON also offered him a percentage of a company she was starting called "NEXT FLIGHT". Debra RASMUSSON stated that the company would be under David CHAVEZ's name in order to qualify for minority status. Mr. GANTKESSY stated that he again refused the offer.

101. On June 3, 1993 I spoke with Debra RASMUSSON via telephone. During the course of this conversation I asked Debra RASMUSSON if Mark RASMUSSON maintained Bank accounts in the Cayman Islands. Debra RASMUSSON responded by stating that Mark RASMUSSON has Bank accounts "everywhere".

102. On June 7, 1993 U.S. Customs Senior Special Agent Fred Schroeder obtained the residential trash from the RASMUSSON Special Agent Schroeder retrieved an announcement for a neighborhood

watch program with the following hand written notation on the back of the announcement: 25TK (this is the tail number for one of RASMARK's jets), 833-2872, elp-Herm-cash (this is believed to be an abbreviation indicating a flight in aircraft N25TK from El Paso to Hermosillo, Mexico for a cash payment).

103. On June 11, 1993 U. S. Customs Senior Special Agent Fred Schroeder obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins El Paso, Texas. Special Agent Schroeder recovered a letter from Debra RASMUSSON to all company employees stating that during her absence Blanca AVELAR will be in charge of the day to day running of the business.

104. On June 17, 1993, El Paso Police Senior Detective James Holland obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. Special Agent Schroeder retrieved a questionnaire from Ford Motor Company addressed to Mark B. RASMUSSON, 11157 Leo Collins, El Paso, Texas and an envelope from Golf Digest addressed to Debra RASMUSSON, 11157 Leo Collins, El Paso, Texas. Special Agent Schroeder also retrieved a bill from the Cayman Islands Health Services Authority, George Town, P. O. Box 915GT addressed to Mark RASMUSSON, 11157 Leo Collins, El Paso, Texas. The bill is for $73.17.

105. On June 28, 1993, El Paso Police Senior Detective James Holland, U.S. Customs Agents Larry Brown and Fred Schroeder obtained the residential trash from 11157 Leo Collins, El Paso, Texas. From the trash detective Holland retrieved an envelope with the name Bill Jilles and telephone number (214) 964-1641 hand written on the back. (Debra RASMUSSON hired Jilles as a pilot while Mark RASMUSSON was awaiting trial in the Cayman Islands. Mark RASMUSSON fired Jilles upon his return to the United States).

106. On July 26, 1993, El Paso Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. The following items were removed from the trash by Detective Baker:

(1) A letter from Fields and Healy, Attorneys at Law, 8340 Gateway East, El Paso, Texas addressed to Mrs. Debra L. RASMUSSON, 11157 Leo Collins, El Paso, Texas. The letter is requesting payment of $5,642.62 and $500.00 in attorney's fees to be paid to JOSEPH M. and Candace L. SEAVERNS. The letter that the SEAVERNS's paid $5,642.62 in order to cure the delinquent payments owed by Mark and Debra RASMUSSON with regard to the purchase of 11157 Leo Collins. (The RASMUSSON's never obtained a mortgage under their own names for the purchase of the property).

(2) A telephone listing, that appears to be from a computer address program, for local attorneys and business contacts. Many of these numbers are aviation business related.

(3) A listing of seven credit cards with the numbers and dates of expiration.

(4) Two RASMARK business telephone lists.

(5) A page from a date book with the following hand written note on it, 9400 Viscount, ste. 100, Larry Frost, Thursday at 9:30 AM.

(6) A check stub from the account of Mark and Debbie RASMUSSON, written to Debbie RASMUSSON, cash: spending money, dated 04-05-93, for $500.00.

(7) A fax dated 5-26-93 of a hearing held in regard to the divorce of Mark and Debra RASMUSSON. The hearing is regarding who would be placed in charge of the company, RASMARK, pending completion of Mark RASMUSSONs arrest in the Cayman Islands.

(8) A fax dated 05-27-93 from Morris and Associates Insurance Services, Inc., P. O. Box 6010, Folsom, Ca. The fax contains information about the insurance for the aircraft being used by RASMARK Jet Charter.

107. On August 8, 1993 Irasema SANCHEZ who is currently employed as a bookkeeper at RASMARK Jet Charter reported to the El

Paso Police Department that she was assaulted by Debra RASMUSSON. The police report of this incident indicates that Debra RASMUSSON came to RASMARK Jet Charter (Debra RASMUSSON is currently restrained from entering the RASMARK Jet Charter premises or interfering with the operation of the business by order of the State District Court due to the pendency of the previously mentioned divorce action), Debra RASMUSSON reportedly became enraged due to the fact that Ms. SANCHEZ refused to provide her (Debra RASMUSSON) with current RASMARK Jet Charter business records and assaulted Ms. SANCHEZ. Ms. SANCHEZ reported that she is under orders of her employer Mark RASMUSSON not to provide records to Debra RASMUSSON.

108. On November 4, 1993 El Paso Police Department Senior Detective James Holland contacted Ms. SANCHEZ regarding the reported assault. Detective Holland told Ms. SANCHEZ that he was following up on the assault report that Ms. SANCHEZ had filed against Debra RASMUSSON. Ms. SANCHEZ told Detective Holland that she is the custodian of records for RASMARK Jet Charter and that she keeps all business records at the offices of RASMARK Jet Charter. Ms. SANCHEZ stated to Detective Holland that during July of 1993 Debra RASMUSSON stole a file which Ms. SANCHEZ referred to as an "NFAA Drug File". Debra RASMUSSON has allegedly retained custody of this file and has repeatedly taunted Mark RASMUSSON with the fact that he will have difficulty with his business and related audits as long as Debra RASMUSSON has the referenced file.

109. On August 16, 1993, U.S. Customs Senior Special Agent Fred Schroeder obtained the residential trash from 11157 Leo Collins, El Paso, Texas. Special Agent Schroeder found the following items in the trash:

(1) A statement for recipients of interest income from the Avon National Bank, P.O. Box 5640, Avon, Colorado, in the name of Debbie MAYE, Tax ID number 840932005. This document is dated 1987.

(2) Pages from a personal telephone/address book, with business numbers hand written on the pages.

(3) A telephone list for RASMARK Jet Charter employees.

110. On August 23, 1993, El Paso Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. Detective Baker found an insufficient funds notice from Sun Word Savings addressed to Debra Lynn RASMUSSON.

111. On September 20, 1993, El Paso Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. Detective Baker found an 8.5 x 11 piece of yellow paper with hand written notations: dates, name of file and number of disk. Under each of these headings is a file name, date and disk number. Many of these file names are obviously related to the RASMARK Jet Charter business such as an entry titled "parts" and another titled "invoice" and another "FAR's" which is an reference to the Federal Aviation Regulations. Detective Baker also found a letter addressed to Dan Zents, RASMARK Jet Charter Inc., 6805 Boeing Drive, El Paso, Texas, (This letter had been opened). Detective Baker also found an over due notice from Transworld Systems Inc., 5880 Commerce Boulevard, Rohnert Park, California.

112. On October 25, 1993, El Paso Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. The following items were removed from the trash by Detective Baker:

(1) Six blank checks in the name of Debra L. RASMUSSON, El Paso, Texas. All of the checks have the same check number, 0230. The account number is 31209311602300012020064. The checks are from Sun World Savings Bank, 8700 Montana Avenue, El Paso, Texas.

(2) Check stub number 0581 from Next Flight, Incorporated. This check stub has the following notations hand written on the front, "$500.00 DTD 2/16/93 Debra RASMUSSON contract labor". I reviewed the incorporation documents for Next Flight Inc. I have learned that Debra RASMUSSON is an officer of this corporation.

(3) A bill from Safeguard Business Systems dated July 26, 1993. This bill is for business supplies and is addressed to RASMARK Jet Charter Inc.

113. On November 1, 1993, El Paso Sheriffs Detective Neil Baker obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. The following item were removed from the trash:

(1) One commission note from RASMARK Jet Charter Inc. The note lists the collection date as 3/17 (no year). The amount is $3,250.00 indicating a commission amount of $325.00. The commission was paid to "Don". The initials on the bottom of the form are "DMJ". RASMARK Jet Charter had an employee by the name of Donald M. JOSEPH working during March of 1993.

(2) A partial commission note indicating that "Don" received a commission of $726.96. This form also has the initials of "DMJ" on the bottom line of the form.

114. On November 4, 1993, U.S. Customs Senior Special Agent Fred Schroeder obtained the residential trash from the RASMUSSON residence at 11157 Leo Collins, El Paso, Texas. The following items were removed from the trash:

(1) A sheet of memo paper with "RASMARK Jet Charter, Inc., El Paso, Texas, Cargo Pirates" printed on the top. The paper has the following hand written on it "Mark, Marcos Estrada from San Carlos Mon 4:00 60281". The memo paper had the address 6805 Boeing Dr., El Paso, Tx. 79925, Telephone number (915) 772-4616, FAX (915) 7795387, printed across the bottom.

(2) A form from San Carlos Country Club, A.C. in the name of Mark Benjamin RASMUSSON, 6825 Convair Rd., El Paso, Texas. This address is the old address for RASMARK Jet Charter when it was located in Cutter Aviation building. The form also lists several other names including Debbie Lynn RASMUSSON.

(3) A torn up envelope with a return address of RASMARK Jet Charter, Inc., 6805 Boeing, El Paso, Texas.

(4) An envelope from Ginnings Birkelbach & Keith Attorneys and Counselors at Law, P.O. Box 54, El Paso, Texas. The envelope is addressed to Ms. Debra RASMUSSON, 6805 Boeing Drive, El Paso, Texas. The envelope is dated June 15, 1993. There are three telephone numbers hand written on the envelope.

115. I have reviewed the Private Aircraft Arrival System which is a data base within the Treasury Enforcement Communication System. This inquiry was made on November 1, 1993 for calendar years 1988 through 1993. These records reflect all arrivals by aircraft, other than scheduled airlines, in the United States from foreign territory. These records also provide the names of the aircraft crew as well all passengers. I have interviewed five former pilots of RASMARK Jet Charter, all of these pilots were employed by RASMARK between 1990 and 1993. Both the Private Aircraft Arrival System and the pilots interviewed indicate that the RASMUSSONs utilize their Lear Jets and Falcon jet for frequent personal pleasure on both international and domestic travel. I have interviewed three other air freight and air Charter services operators. The people interviewed regarding the manner in which the RASMUSSONs utilize RASMARK Jet Charter jets for personal pleasure have told me that this type of aircraft utilization is not only contrary to all normal business practices but is prohibitively expensive based on comparison to the cost of even first class airline travel.

116. Mark RASMUSSON established residence in El Paso, Texas in late, 1987. Throughout the time that Mark RASMUSSON has been in the El Paso, Texas area he has repeated to numerous persons that the source of his wealth and lifestyle are an inheritance from his grandfather which Mark RASMUSSON has stated was approximately $2,000.000.00 Three confidential Sources who are close to Mark RASMUSSON have told me during 1992 and 1993 that Mark RASMUSSON depleted his inheritance before he arrived in El Paso, and that his current lifestyle is supported by "unknown sources of income". Debra RASMUSSON has stated to me and their accountants

that ninety per cent of their income is form Ford freight contracts.

117. Special Agents assigned to this investigation have spent numerous hours of surveillance at RASMARK Jet Charter and observed the coming and going of the aircraft to attempt to explain the RASMUSSONs wealth and lifestyle, Special Agents have observed an average of less than one flight per day.

118. JOSEPH SEAVERNS advised Senior Special Agent Schroeder and Special Agent Acosta that the RASMUSSONs paid in excess of $129,000.00 in a combination of cash, personal checks and cashier's checks as a down payment on the residence at 11157 Leo Collins. I know in my experience that these types of payments which utilize a combination of monetary instruments and currency are often transactions structured to avoid the reporting requirements of the Bank Secrecy Act and to disguise the source and origin of currency. I also know that it is common for persons engaged in criminal activity to take steps to avoid having major purchases and luxury items recorded in their names. The mortgage on the residence at 11157 Leo Collins Dr. remains in the name of Mr. SEAVERNS.

119. On November 15, 1993 I have reviewed a filing in the RASMUSSON divorce case by Larry Schwartz, attorney at law who represents Mark RASMUSSON. In this document Mr. Schwartz stated that the RASMUSSONs own 17 motor vehicles and vessels and five pieces of real estate, four of these with dwellings.

120. Christopher HINES and others have reported that the RASMUSSONs have accepted large cash payments for their services. Albert APODACA who was the account for RASMARK Jet Charter and the RASMUSSONs has told investigating Special Agents that the RASMUSSONs told him that they did not accept cash, however when their activities have come under scrutiny by government agencies the RASMUSSONs have produced "reconstructed invoices" for cash transactions and asked Mr. APODACA to alter or amend their financial reports to reflect an $11,000.00 which had been omitted from previous reports.

121. I have reviewed the Financial Data Base maintained by

the U.S.Department of the Treasury that maintains records of all Cash Transaction Reports which are required to be filled out by traditional financial institutions on all transactions in excess of $10,000.00 in currency. I made this inquiry on November 1, 1993 for tax years 1988, 1989, 1990, 1991, 1992, and 1993. There are no IRS forms 8300 which are required to be filed by businesses, such as RASMARK Jet Charter, to report when they receive cash payments in excess of $10,000.00. There are no forms 8300 filed by RASMARK Jet Charter nor the RASMUSSONs.

122. Based on the statements made by witnesses such as RASMARK Jet Charter Office staff, documentary evidence found in the residential trash, as well as Debra RASMUSSON's statements to DEA Special Agents regarding maintaining records at her home and my experience which indicates that persons engaged in money laundering and currency manipulation violations, I believe that there are accurate records of unlawful transactions kept by these persons in various formats and in what they believe to be safe locations such as their home and businesses.

123. Based on the statements of Mr. VARGAS and Mr. GANTKESSY I believe there is probable cause to believe that RASMARK Jet Charter has "double invoiced" flights for Ford Motor Company and bribed Mr. GANTKESSY to cooperate in this scheme. I know from my experience that persons engaged in money laundering will create false invoices for their business fronts to conceal and cover up illicit income from their criminal endeavors.

124. I believed that based on the statements of Debra RASMUSSON and the association of the RASMUSSONs with known controlled substances traffickers such as Jesus FLORES and Hector BARRERA there is probable cause to believe that the RASMUSSONs have in the past and are utilizing RASMARK Jet Charter to facilitate the transportation and laundering of the proceeds in trafficking in controlled substances.

125. I believe that, based on the statements of DEBRA RASMUSSON, information provided by Confidential Source SA371EP,

and the documentary evidence found in Debra RASMUSSON's vehicle and residential trash, there is probable cause to believe that Mark RASMUSSON has foreign Bank accounts which are not and have not been reported to the U.S. Government as required by the Bank Secrecy Act.

126. Based on the records I have received from Ford Motor Company I know that Ford Motor Company has paid RASMARK Jet Charter for their services by check sent through the U.S. mail. I know that the perpetration of a fraud, such as double invoicing for flights, which causes Ford Motor Company to mail a check to RASMARK Jet Charter through the U.S. Mail is a violation of Title 18 United States Code section 1341.

127. Based on the foregoing, I believe that there is probable cause to believe that the residence at 11157 Leo Collins, El Paso,Texas contains documents which are evidenc of violations of Title 18 USC 1956 and 18 USC 1957 as well as evidence of the related offense of Mail Fraud against Ford Motor Company. The Mail Fraud allegations as well as trafficking in controlled substances are "specified unlawful activities" as defined in Title 18 United States Code section 1956. I also believe there is evidence of violations of Title 31 United States Code

sections 5314 and 5316 as well as 31 CFR 103.23 and 103.24 contained in the residence at 11157 Leo Collins Drive, El Paso, Texas.

/s/ Lawrence E. Frost, Special Agent
United States Customs Service

Subscribed and sworn to before me this 19th Day of November, 1993

/s/ Janet Ruesch
United States Magistrate Judge

[Inventory in Record below]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL., Plaintiffs,	)	
V.	)	CIVIL ACTION
	)	NO. EP-95-CA-475-F
LAWRENCE E. FROST, EL AL., Defendants.	)	

DECLARATION OF LAWRENCE E. FROST

1. I, Lawrence E. Frost, am a Senior Special Agent, Office of Investigations, U.S. Customs Service, El Paso, Texas, where I have been stationed since July 1991.

2. Since March 1992 I have been assigned as the Lead Customs Agent in the Financial Task Force, which was created at that time under the supervision of the Currency Group Supervisor, Office of Investigations, U.S. Customs Service, El Paso, Texas.

3. The purpose of the Financial Task Force is to investigate suspected money laundering operations with a nexus to the El Paso, Texas area, and consists of participating local, state, and federal enforcement entities.

4. I had no involvement in any law enforcement activities concerning one or more of the Plaintiffs until March 1992, when the Financial Task Force was created. During my investigation of Rasmark as a part of the activities of the Financial Task Force, I have reviewed DEA and other agency reports predating my assignment to the Task Force in 1992.

5. I have no information that would lead me to believe that Chris Hines has provided any information that was not reliable or that he was otherwise untruthful with any law enforcement investigators.

6. El Paso Police Department Officer Salas was not a member of the Financial Task Force and the association of the Task Force with him was limited. I had previously received a telephone call from an FBI agent who advised me that a friend of his, Officer Salas, had inquired as to the activities of the Rasmussons. I then contacted Officer Salas and informed him that I was the case agent on the Rasmusson case. Officer Salas told me that he was working as a bodyguard for Deborah Rasmusson on his off duty time. I ended the conversation by asking Officer Salas to call me if he observed anything of interest.

7. On or about May 23, 1992, I was contacted by Officer Salas who said that Deborah Rasmusson wanted to meet with me to discuss her husband's involvement in illegal activity. We met at the convenience store at the corner of Hawkins and Montana Streets, El Paso, Texas, and drove to the U.S. Customs Service office at 9400 Viscount Blvd., El Paso, Texas. At the meeting, I told Mrs. Rasmusson that if she wished to cooperate in the investigation of her husband and Rasmark, she would be an important witness in the case.

8. Upon the arrival of Mrs. Rasmusson at the office on or about May 23, 1992, accompanied by her son Ian Maye, I relieved her of a .38 caliber revolver, which was later returned to her attorney. She made several statements implicating her husband in illegal activity and I presented Mrs. Rasmusson with a Search Consent Form for Rasmark, which she declined to sign. Deborah told me that she would tell me everything I needed to know to put her husband away, but she wanted assurance that she would be able to keep the Rasmark business and related assets. I told Deborah that I did not have the authority to agree to her terms, she then became belligerent and abusive, so she was told to leave the building. On the way out, she set off the building's fire alarm.

9. As Mrs. Rasmusson left the building, she made a statement to Special Agents Eric Mills and Fred Schroeder that the box she was

carrying contained enough evidence to put Mark in prison for life. Upon being told of this statement, I went to the nearby Diamond Shamrock convenience store where Mrs. Rasmusson and her son had gone. When I started to pick up the box off the floor, Ian Maye became combative and had to be physically restrained by agents who had accompanied me to the store. I placed Ian in handcuffs and secured him in a Government vehicle. He was never thrown to the ground and no one placed a foot on his neck. I took custody of the box, placing it in the Government vehicle. In accordance with Customs Service policy, an Assistant U.S. Attorney was called and apprised of what had transpired. A search warrant was later obtained and the contents of the box were examined. Upon the arrival of El Paso Police Department officers to the store, Mrs. Rasmusson and her son were allowed to depart.

10. Neither myself nor to my knowledge have any members of the Financial Task Force made any statements or comments to State National Bank officials to the effect that Rasmark was a mere front corporation for money laundering or that Mark B. Rasmusson was a known major drug dealer.

11. I prepared for the signature of Special Agent in Charge Michael Lappe the letter sent to Ford Motor Company to assist that company in understanding the scope and nature of the ongoing investigation and what type of information was relevant to the subpoenas it had received. The letter was sent to the Staff Security Investigations section of the company for this limited law enforcement purpose. It is also noted that the information subpoena served on Ford Motor Company was of such a complexity that I decided to send Hector Barrera, a Customs Service Auditor, to Ford World Headquarters to assist in the search and retrieval process.

12. On or about June 2, 1993, my self and about four other agents visited Andrew A. Gantkessy in his office at the Ford Favesa Warehouse. He willingly talked to us and voluntarily came to the Customs Service office the next day and provided a more detailed statement to the investigators.

13. I have no knowledge of any meetings among Mr. Gantkessy and Ford officials or of the details of Mr. Gantkessy's termination of employment with Ford Motor Company.

14. Search warrants were obtained from the U.S. Magistrate Judge for the Rasmark business address and the residence address of Mark Rasmusson and Deborah Rasmusson. The executions of the warrants were not by forced entry, and were conducted in an orderly and professional manner. At the business location, Rasmark employee Gabby Sanchez was advised to copy any records deemed essential to the continuing operations of the business. We also spent several hours copying information on the Rasmark computer system to avoid seizing the company computers. I thereafter made every effort to return critical documents as quickly as possible, consistent with the needs of the investigation.

15. No guns were seized from either the business or the residence locations.

16. To the best of my knowledge the information provided in the affidavits supporting the search warrants was based on reliable sources and entirely accurate and correct. No pretext or false or misleading information was knowingly utilized and there was no intent to deceive the magistrate.

17. I have no reason to believe that documents specified in the resident search warrant affidavit as having been obtained from trash collections are not accurate and I have no information or knowledge that there was ever a covert entry without a search warrant to the Leo Collins residence of Mr. and Mrs. Rasmusson.

18. I have never engaged in any intimidation or harassment of Deborah L. Rasmusson nor have I ever threatened her to obtain information or evidence against Mark B. Rasmusson.

19. I have no knowledge of an attack upon Mrs. Rasmusson and her son at a stoplight on or about January 1994.

20. I have no knowledge of any discussions with school authorities on or about March 1994 concerning the death of a friend of Mrs. Rasmusson's children.

21. I have no knowledge of any incident involving an assault on Mrs. Rasmusson at her Dale Douglas residence on or about June 1994.

22. I have no knowledge of an incident occurring at a birthday party for her son on or about December 12, 1994.

23. Neither myself nor to my knowledge have any members of the Financial Task Force ever made comments or statements to Texas Commerce Bank officials to the effect that Mark Rasmusson and Rasmark were fronts for drug money laundering or that Mark B. Rasmusson was a major drug dealer.

24. I have no knowledge of any seizures of Mrs. Rasmusson's car(s) or of her arrests and prosecution on or about August 8, 1993, December 1993, March 1995, June 1995, and November 1995.

25. I have never met or talked with Joe Teuchert or Joseph Sudomir.

26. I was neither involved in nor do I have any personal knowledge of the remaining allegations contained in the plaintiffs' Second Amended Petition.

27. I swear under penalty of perjury that the foregoing statements are true and correct."

1-30-96
DATE

/s/ Lawrence E. Frost
Office of Investigations
U.S. Customs Service

AFFIDAVIT OF LAWRENCE E. FROST

STATE OF TEXAS §
COUNTY OF EL PASO §

1. BEFORE ME, the undersigned authority on this day personally appeared LAWRENCE E. FROST, known to me to be the person whose signature is subscribed below and after being duly sworn did upon oath depose and state the following:

2. My name is LAWRENCE E. FROST. I am over the age of 18 and am fully competent to make this affidavit. I hereby state that I have personal knowledge of the facts stated herein and that these facts are true and correct.

3. I am employed as a Special Agent by the United States Department of the Treasury, U.S. Customs Service. In 1993, I was involved in an investigation regarding Plaintiffs Mark Rasmusson and Deborah Rasmusson. In connection with this investigation I interviewed GAIL BEACH once on March 9, 1993, in El Paso, Texas. The contents of the matters discussed in such interview were reduced to writing and have been previously produced to the Plaintiffs in this litigation.

4. After March 9, 1993, I recall telephonically contacting GAIL BEACH approximately three to four times to clarify details previously discussed. I had no further contact with GAIL BEACH after September, 1993. I have reviewed the records maintained by my Agency concerning Mark Rasmusson and Deborah Rasmusson and have not located any records which indicate GAIL BEACH made any statements, or supplied any information to the United States Customs Service regarding Mark Rasmusson or Deborah Rasmusson, or the matters

alleged by such Plaintiffs in this litigation, after September, 1993.

Further, Affiant sayeth naught."

/s/ Lawrence E. Frost

SWORN AND SUBSCRIBED TO BEFORE ME the undersigned authority on this 1st day of April, 1997.

/s/ Margaret M. Aguirre
Notary Public in and for
State of Texas

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION
	)	NO. EP-95-CA-475-F
LAWRENCE E. FROST, ET AL,	)	
	)	
Defendants	)	

DECLARATION OF LAWRENCE E. FROST

1. I, Lawrence E. Frost, am a Senior Special Agent, Office of Investigations, U.S. Customs Service, El Paso, Texas where I have been stationed since July 1991.

2. From March 1992 until August 1996 1 was assigned as the lead Customs Special Agent in the Financial Task Force (FTF), which was created at that time under the supervision of the Currency Group supervisor, Office of Investigations,, U.S. Customs Service, .E1 Paso, Texas.

3. The,purpose of the Financial Task Force in to investigate suspected money laundering operations with a nexus to the El Paso Texas area, and consists of participating local, state, and federal law enforcement entities.

4. I had no involvement in any law enforcement activities concerning one or more of the Plaintiffs until March 1992, when the Financial Task Force was created. During my investigation of Rasmark as a part of the activities of the Financial Task Force, I have reviewed DEA and other agency reports predating my assignment to the Task Force in 1992.

5. I have never entered into an agreement with anyone nor an I aware of anyone having an agreement, "the goal of which was to steal the assets of RASMARK".

6. I have never participated in nor am I aware of any "bogus investigations" nor "sham prosecutions".

7. I have never implemented nor participated in a plan to "shut down RASMARK by carrying out a pattern of harassment, intimidation, coercion and retaliation against the Plaintiffs".

8. I have never participated in, directed, nor an I aware of any strip searches of any RASMARK passengers nor crew members.

9. I have never participated in nor directed anyone else to conduct a search of RASMARK aircraft.

10. On June 1, 1993, I and other agents did approach Mr. Bill Jiles and request an interview with his. Mr. Jiles indicated that he was a new employee of RASMARK and had no information to provide. Approximately four (4) hours later, Detective Holland received a telephone call which informed him that Mr. Jiles was at the El Paso Police Department airport detachment office. Mr. Jiles was requesting to speak with the agents who had contacted him earlier in the day. The result of this second meeting with Mr. Jiles was his concern regarding his current employers. I informed Mr. Jiles that as long as he committed no criminal acts, that he would not be in jeopardy. Contrary to the plaintiffs statements, I have never worked out of any office space at Cutter Beechcraft and the FTF did not have an office at Cutter Beechcraft.

11. As stated in the paragraph above, Mr. Bill Jiles did not accompany Special Agents to their Office on June 1, 1993. In fact, Mr. Jiles came to an office of the El Paso Police Department seeking contact with Special Agents several hours after he was originally approached.

12. In the affidavits for the search warrants for the RASMUSSON residence and the RASMARK JET CHARTER business

location, which I prepared, I did not utilize any information from El Paso Police Department undercover police officers.

13. I have never withheld information from any judicial officer that would prevent that judicial officer from having an opportunity to fully evaluate all available evidence and make a detached and neutral decision regarding the issuance of a search warrant nor any other type of court order.

14. I have never placed bogus information in an affidavit of any kind, specifically including the two affidavits of November 19, 1993, which resulted in the issuance of search warrants for the RASMARK offices and RASMUSSON residence.

15. I have never, nor am I aware of any other officer, "setting out to manufacture by harassment, intimidation, coercion and retaliation" any evidence or facts in any case, specifically including the investigative activities carried out in relation to the RASMUSSONs and Andrew GANTKESSY.

16. I have never intentionally presented any misinterpretations to any person at any time, specifically including the affidavits for the two search warrants of November 19, 1993.

17. I have never presented any fabrications nor misleading statements in any document of any kind, specifically including the two search warrant affidavits of November 19, 1993.

18. El Paso Police officer Salas was never a member of the FTF neither officially nor "unofficially" and the association of the Task Force with him was limited. I had previously received a telephone call from an FBI agent who advised me that a friend of his, Officer Salas, had inquired as to the activities of the RASMUSSONs. I then contacted Officer Salas and informed him that I was the case agent on the RASMUSSON case. Officer Salas told me that he was working as a bodyguard for Deborah RASMUSSON on his off duty time. I ended the conversation by asking Officer Salas to call me if he observed anything of interest.

19. I have never individually nor in concert with any other person, acted for the expressed purpose of ruining Mark RASMUSSON, Deborah RASMUSSON, RASMARK, and Andrew GANTKESSY".

20. I have never, nor an I aware of anyone else, ever asking GANTKESSY to cooperate in "wire tapping" nor "fabricating lies against the RASMUSSONs and RASMARK".

21. I have never participated in, nor approved, of a plan to continue any "unlawful investigation" nor an I aware of any such action by any other person.

22. I have never presented, nor an I aware of any other person, presenting any false information to an OCDETF committee, specifically including the matter which lead to investigative activities relating to the plaintiffs in this case.

23. I have never violated my oath of office nor have I ever intentionally violated the civil rights of any person.

24. I have never had any contact with Bill Dunmead, Dave Blair nor Dick McQuaid of Ford Motor Company.

25. I have never been a part of any "plans", nor an I aware of any other person, being involved in a "plan" to disrupt the business relationship between the plaintiffs and Ford Motor Company.

26. I have never asked Deborah RASMUSSON to sign any type of form that would consent to the seizure of any RASMUSSON nor RASMARK assets.

27. During the incident of May 23, 1992, Deborah RASMUSSON through George Salas contacted me and indicated that she feared that her husband was planning to kill her and wished to cooperate with Special Agents in exchange for protection from her husband. There were not, at any time, 10 to 12 agents present. There were no drawn firearms displayed by any person other than Deborah RASMUSSON.

28. During the incident of May 23, 1992, nor at any other time, have I ever told Deborah RASMUSSON that her husband, nor any other person, was plotting to kill her.

29. During the Incident of May 23, 1992, nor at any other time, have I ever told Deborah RASMUSSON that I was aware that she had allegedly complained about people peeking in her windows.

30. During the incident of May 23, 1992, nor at any other time, have I ever stated to Deborah RASMUSSON that there were agents behind a one way mirror, nor did I ever tell her there were agents behind a one way mirror to protect her.

31. I never told Deborah RASMUSSON that she was going to lose any of her assets.

32. I never mentioned the names of Sib Abraham, Richard Esper nor Judge Pena to Deborah RASMUSSON.

33. During the incident of May 23, 1992, Deborah RASMUSSON never stated to me that Mark RASMUSSON was not engaged in illegal activities. In fact, Deborah RASMUSSON attempted to trade information on Mark RASMUSSON for an agreement that none of the assets of the plaintiffs would be seized and she would retain possession of all assets.

34. I never presented any "paper" to Deborah RASMUSSON which would assign the assets of RASMARK to the government. I presented a standard consent to search form to Deborah RASMUSSON.

35. During the incident of May 23, 1992, nor at any other time, have I ever been verbally abusive nor physically abusive with Deborah RASMUSSON, nor have I ever "pushed her feet off a coffee table". I an not aware of any other law enforcement officer having committed any of these acts.

36. During the incident of May 23, 1992, I never stated nor did I hear any one else state "this never happened"

37. During the incident of May 23, 1992, I did not prevent Deborah RASMUSSON from leaving the building after she pulled the fire alarm. As a matter of fact, Deborah RASMUSSON left the building immediately after pulling the fire alarm.

38. On May 23, 1992, upon my arrival at the Diamond Shamrock Store the door was not locked. It was never necessary for me to show the store clerk my badge and demand entry.

39. On May 23, 1992, I did not "grab Ian (MAYE) by the neck and throw him to the ground". During this incident MAYE became assaultive and was restrained by Senior Special Agent Eric Mills. MAYE would not cease his assault attempts and was handcuffed for his own protection.

40. At all times relevant to the incident of May 23, 1992 Deborah RASMUSSON and MAYE .were free to leave and nothing was ever said by any person to cause then to believe that they were in any type of custodial situation.

41. I never told Deborah RASMUSSON that she would be sorry for not cooperating.

42. I made no false statements in the affidavit for the search warrant of May 26, 1992.

43. I did not tell William Cole that the charges against Mark RASMUSSON, arising out of the FLORES investigation, had been dropped because a witness failed to appear.

44. I have not, nor an I aware of any other law enforcement officer nor person acting as an agent of a law enforcement officer, having entered the RASMUSSON residence or RASMARK office unlawfully.

45. On November 10, 1992 1 did not attempt to cause Deborah RASMUSSON to sign any papers assigning her vehicle to the U.S. Government. I did not fabricate a seizure of marijuana in Deborah

RASMUSSON's vehicle. I did not seize Deborah RASMUSSON's vehicle. Additionally, it should be noted that Special Agent Fred Schroeder was not present at the November 10, 1992 incident.

46. Gail Beach never stated to me that the information that she provided to me was based on rumors.

47. In reference to the interview of Steve Thorn, I have no reason to believe that Steve Thorn was under the influence of alcohol when he spoke with Donald JOSEPH.

48. All evidence seized by the FTF was maintained in a proper chain of custody. Special Agents and Police officers assigned to the FTF followed all pertinent laws and regulations as well as specific agency guidelines relating to obtaining the trash from the RASMUSSON residence.

49. At no time did I, nor any member of the FTF of which I an aware, enter the curtilage of the RASMUSSON residence without a lawfully issued search warrant.

50. Andrew GANTKESSY was never forced, coerced nor threatened to do or say anything by myself, nor an I aware of any other member of the FTF having threatened, coerced or forced GANTKESSY to do anything. I, nor any other law enforcement officer that I am aware of, ever threatened to arrest GANTKESSY. GANTKESSY never told me, nor anyone else involved in this investigation, that he had won flights on RASMARK aircraft in a raffle.

51. Andrew GANTKESSY never asked to speak to an attorney when I interviewed him.

52. I know nothing about a RASMARK aircraft being stopped and searched in Indianapolis, Indiana.

53. I, nor anyone involved in the investigation of the plaintiffs, coerced Ford Motor Company to do anything.

54. I was present for a small portion of GANTKESSY's deposition on March 18, 1993. I was not present for the "purpose of harassing, intimidating GANTKESSY" for any reason. I was present in hopes of gaining information that I felt GANTKESSY was withholding from investigating Special Agents.

55. At the execution of the search warrant at the offices of RASMARK on November 22, 1993 there were not 100 agents present. Special Agents did not search the aircraft nor vehicles associated with RASMARK, due to the fact that the vehicles and aircraft were not included in the search warrant.

56. There were not 20 to 30 agents present at the search of the RASMUSSON residence on November 22, 1993.

57. No records seized from RASMARK nor the RASMUSSON residence were lost. I, nor any other member of the FTF have ever refused to return necessary business records. In fact, I told the attorneys who, handled the RASMUSSON divorce how to obtain the records through a Court Order.

58. I have never used "uncorroborated rumors, innuendos, misstatements, misinterpretations nor out right fabrications" in any affidavit, specifically including the search warrant affidavits related to the investigative activities involving the plaintiffs.

59. I have no information whatsoever which would lead me to believe that the informants who provided information used in the search warrants for plaintiff's property, have ever been found to be unreliable.

60. At no time did I, nor anyone I am aware of, covertly enter the RASMUSSON residence.

61. In reference to Count I of the plaintiffs' First Cause of Action , I have never engaged in the violation of the plaintiffs' rights nor in any cover-up of any conspiratorial acts. Additionally, I have never been a part of, nor am I aware of the existence of any conspiracy to

deprive the plaintiffs of their constitutional rights.

62. I have never engaged individually, nor in concert with any other person, in a pattern of harassment, intimidation, and retaliation against plaintiffs, an a part of an alleged conspiracy to steal the assets of Mark and Deborah RASMUSSON.

63. I, nor any other person that I am aware of, have communicated false and fabricated facts to anyone, including Ford Motor Company, in order to stigmatize the plaintiffs' as drug dealers, money launderers, or major criminals, nor have I engaged in any cover-up of any alleged conspiratorial acts relating to this allegation.

64. In reference to Count III, Third Cause of Action, of the plaintiff's complaint, I have never engaged in a conspiracy to steal the assets of Mark and Deborah RASMUSSON through the forfeiture process. I have never prepared a false affidavit to obtain a search warrant. I have never conducted a search, nor directed anyone else to conduct a search of the plaintiffs' persons, property, automobiles, aircraft, business nor home, without a search warrant or other lawful authority. In fact, I have never searched the person nor aircraft of the plaintiffs'. I conducted one search of an automobile driven by Deborah RASMUSSON under the Border Search Exception to the Fourth Amendment search warrant requirement. The searches of the RASMARK offices and RASMUSSON residence on November 22, 1992, [sic] were conducted pursuant to lawfully issued federal search warrants.

65. On November 10, 1992, I did not search the person of Deborah RASMUSSON, nor did I seize her vehicle.

66. On June 1, 1993, I did not search a RASMARK aircraft. In fact, it should be noted that this allegation contradicts facts presented relating to this incident in the plaintiffs' own allegation of fact in this complaint. Additionally, Special Agent Larry Brown was in no way involved in this incident.

67. On June 17, 1993, 1 nor any of the other persons listed

engaged in any conspiratorial act of any kind.

68. I have no knowledge of the alleged search incident which occurred on September 1, 1993.

69. On November 22, 1993, I did, in fact, execute a lawfully issued search warrant for the RASMARK offices. It should be noted Lue Jackson, Larry Harrell, Dante Orante, C.W. Moore, Cynthia Mandujan and Daniel Ramirez were in no way involved in the execution of these search warrants. The affidavits for this search warrant did not contain any false nor misleading information.

70. On November 22, 1993, 1 did, in fact, execute a lawfully issued search warrant for the RASMUSSON residence. It should be noted that Lue Jacksont Larry Harrell, Dante Orante, C.W. Moore, Cynthia Mandujan and Daniel Ramirez were in no way involved in the execution of these search warrants. The affidavits for this search warrant did not contain any false nor misleading information.

71. I, nor anyone else that I an aware of, ever entered the curtilage of the RASMUSSON residence at any time without authority of a lawfully issued warrant.

72. In reference to Court VIII, Eighth Cause of Action, of the plaintiffs' complaint,, as previously stated I have never been a member of, nor an I aware of the existence of, any conspiracy against the plaintiffs'.

73. The plaintiffs' have alleged the existence of a "Plan A, B, and C". What the plaintiff's refer to as "Plan A" is commonly referred to by Federal Agents as a criminal investigation. I am not aware of, nor have I ever heard of, what the plaintiffs' refer to as "Plan B nor C".

74. The FTF never carried out any "raids" on RASMARK aircraft.

75. In reference to Count IX, Ninth Cause of Action, of the plaintiffs' complaint, I have never committed an act nor omission that was wanton, malicious, and done in conscious disregard for and with

deliberate indifference to the rights of any person.

76. All of my actions during the investigation of the Plaintiffs were done in good faith and within the course and scope of my federal employment.

77. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge. Executed on the 2 day of April, 1997.

/s/ Lawrence E. Frost
Senior Special Agent
Office of Investigations
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL., Plaintiffs,	)	
V.	)	CASE NO. EP-95-CA-475-F
LAWRENCE E. FROST, EL AL., Defendants.	)	

DECLARATION OF THOMAS P. LENOX

I, THOMAS P. LENOX, declare and say:

1. I am a GS-1811 Criminal Investigator (or "Special Agent") of the United States Department of Justice, Drug Enforcement Administration (DEA). I have held this position since July 1986.

2. I currently am assigned to DEA's San Diego, California, Field Division. I have been in San Diego since March 1994. Earlier in my DEA career, I was assigned to DEA's El Paso, Texas, District Office. I was assigned to that office from February 1987 until March 1991.

3. While I was in El Paso, I participated in an Organized Crime Drug Enforcement Task Force (OCDETF) investigation of a large drug trafficking organization operated by an individual named Jesus Flores. DEA became involved in this investigation in late 1989. I served as one of the case agents on this investigation during my assignment in El Paso.

4. During the course of the investigation, we learned that the Flores organization was using Rasmark Jet Charter, Inc., an aircraft company owned by plaintiffs Mark and Deborah Rasmusson, to fly from

place to place. Interviews with employees of Rasmark Jet Charter, Inc., and with members of the Flores organization strongly indicated that plaintiffs knew of Flores' drug trafficking activities. The investigation also revealed that Rasmark Jet Charter, Inc., treated members of the Flores organization differently than all other customers, in that documentation of the flights was not kept, cash payments were accepted, and so forth.

5. Plaintiff Mark Rasmusson was not a major target of this investigation. Instead, during the course of the investigation into Flores and his principal coconspirators, evidence indicated that Mark Rasmusson was providing assistance to the organization in the form of air travel for trafficking activities. In September 1990, a Federal grand jury indicted Flores and a number of his coconspirators. Mark Rasmusson was indicted at that time for one count of aiding and abetting the Flores organization.

6. On September 26, 1990, Special Agent Steven Perkins and I contacted plaintiff Mark Rasmusson and his attorney, Richard Esper. We informed them that we had a warrant for Mark Rasmusson's arrest, and we made arrangements for Mark Rasmusson to turn himself in on September 27, 1990, which he did.

7. I deny plaintiffs' allegations that I fabricated or in any way participated in the fabrication of any of the evidence recorded in DEA Reports of Investigation, presented to the grand jury, or presented to the court at trial.

8. Since leaving El Paso in March 1991, I have had little to do with the Flores investigation. I returned to El Paso for the Flores trial, and from time to time I have provided advice to the agents in El Paso who continued the investigation of Flores' coconspirators who were not indicted in the initial round of indictments. I have not participated in any way in any further investigation of Mark Rasmusson or any of the other plaintiffs since leaving El Paso.

9. I declare under penalty of perjury that the foregoing statements are true and correct.

06/26/96
Date

/s/ Thomas P. Lenox
Special Agent
Drug Enforcement Administration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK A. RASMUSSON, et.al.,	)	
	)	
Plaintiffs,	)	
vs.	)	Cause No.:
	)	
LAWRENCE E. FROST, et.al.,	)	EP-95-CA-475-F
	)	
Defendants.	)	

AFFIDAVIT

STATE OF TEXAS
COUNTY OF EL PASO

On this day personally appeared the person known to me to be GEORGE SALAS, who after been duly sworn stated upon his oath as follows:

1. "My name is GEORGE SALAS, and I am over the age of 21 years, and am competent to make an oath. I have personal, first hand knowledge of all facts and matters set out in this affidavit. I have been employed by the City of El Paso as a Uniformed Patrolman for the El Paso Police Department since October 28, 1977.

2. On January 14, 1992, while I was working as a Uniformed Patrolman for the El Paso Police Department I was dispatched to 6825 Convair, El Paso, Texas where I spoke to Mark Rasmusson and Deborah Rasmusson. They identified themselves to me as the owners of Rasmark Jet Charter, Inc. The reason I was dispatched to their offices is that there was a threatening phone call on their answering machine. The recording was played for me and it was a threat to kill one or both of them. They

told me that they thought they knew who the individual was and they identified the suspect as a Joe Sudomir. They gave me some of the details about their prior dealings with him and why they felt he was the one who had made the threatening phone call. I advised them to be on the look out for this individual and to notify the police department if he was seen and I also advised him to avoid any contact with him. As I was finishing my interview with them Deborah Rasmusson asked me for my work telephone number, and I gave it to her.

3. About two weeks after I was dispatched to the offices of Rasmark Jet Charter, Inc., I received a phone call from Mrs. Deborah Rasmusson and she asked if I could do private security work for her. She explained that her husband was out of town very frequently and that someone was harassing her and that she wanted to hire me for protection. I told her I was available to do off duty security work, including providing body guard services. A short time after the initial phone call from Deborah Rasmusson she called from her office and I went to her office and took her home. She explained that someone was harassing her and that she wanted me there for protection. My recollection is that during the month of February, 1992 I went over to her house on two or three occasions at night and stayed in the house with her because she said she was afraid and that someone was harassing her and that her husband was out of town.

4. At the end of February, 1992, I contacted a friend of mine who used to be with the El Paso Police Department, but is now an FBI agent, and I gave him the names, addresses, and dates of birth of Mark Rasmusson and Deborah Rasmusson and asked him to check into them to make sure that there would be no problems with me continuing to work for Deborah Rasmusson. On March 2, 1992 I received a phone call from Mr. Lawrence Frost and he identified himself with the U.S. Customs Service and advised me that he was conducting an investigation into Mark and Deborah Rasmusson and Rasmark Jet Charter and that if I observed anything unusual or illegal that the Rasmusson's were doing that I contact him immediately. I told him that I had not observed anything unusual or illegal and that I was providing primarily bodyguard services for Deborah Rasmusson, but that if anything came up, I would contact him.

5. In the next two and a half months I worked for Deborah Rasmusson approximately an additional five or six times, and again most of the work I did was bodyguard type of work at her residence while her husband was out of town. On one or two occasions I may have gone with her to the Rasmark Jet Charter offices. All of my work from the beginning to the end was a period of three or four hours at a time, and was never for an extended period of time. I was paid $20.00 an hour for all of the bodyguard or security work I did for Deborah Rasmusson.

6. On one occasion Deborah Rasmusson called me over to her house and said there was what appeared to be a bomb in her bedroom. I called the bomb squad of the El Paso Police Department and they came and took the bomb away and told me later that it was a fake bomb.

7. On May 23, 1992, Deborah Rasmusson called me and told me that her husband was trying to kill her and that she was very afraid, and that she had some documents in her possession that would send Mark Rasmusson to the penitentiary. Remembering Agent Lawrence Frost, I called him and relayed what Deborah Rasmusson had told me and he asked me to go by and pick her up and to get Mrs. Rasmusson to meet them. He instructed me where to go to meet them. I went to the Rasmark Jet Charter offices at 6825 Convair, El Paso, Texas 79925 and picked up Deborah Rasmusson, her son, and a box she had in her possession. When I arrived there she was carrying a gun and appeared very frightened. The three of us drove to a Circle K on the corner of Hawkins and Montana and met with U.S. Customs Agent Lawrence Frost and other customs agents and we then went to the customs office on Acer and Viscount here in El Paso, Texas. I do not remember who carried the box from the Rasmark Jet Charter offices to my car, nor who carried the box from my car into the customs office.

8. Once we were all inside the U.S. Customs Office, the agents took her into an interview room and she was separated from me. I did not hear any of the conversation between any U.S. Customs agent and Deborah Rasmusson. We were all at the U.S. Customs Office from three to four hours. Late in the interview I could tell that Deborah Rasmusson was becoming upset because she and Agent Frost began yelling at each other. I could not understand what was being said, I could only hear

yelling back [sic] and forth. When Deborah Rasmusson came out of the interview room she was very upset at everyone, including me. She did not want me to take her home or anywhere else. She and her son left the U.S. Customs Office. I do not remember exactly the details about the box, but I think someone from the U. S Customs Service took the box.

9. All of my actions and employment and dealing with Mark Rasmusson, Deborah Rasmusson and Rasmark Jet Charter terminated as of May 23, 1992. I never had anything to do with any of the Rasmussons or anything to do with their business, and I never provided any additional security or bodyguard services, after May 23, 1992.

10. Sometime during the Summer, 1995 as I was walking out of the El Paso Police Department Headquarters located at 911 N. Raynor, El Paso, Texas 79903, Deborah Rasmusson came up to me and told me that she and her husband had split up and she asked me for my current office telephone number. I gave it to her and a few weeks thereafter she called and advised that she had an alcohol and cocaine problem and she asked me for help. I advised her that I was dealing with kids in a storefront office and could not help her. She asked me to recommend an agency to her and I recommended the Charter Hospital. I have had no further contact of any kind with Deborah Rasmusson since that time. I had no contact with Deborah Rasmusson of any kind from May 23, 1992 until the summer of 1995.

11. I have never been a Sergeant with the El Paso Police Department, and I have never been a member of any narcotics [sic] Task Force as alleged in paragraphs 15 and 19 and elsewhere in Plaintiffs' Second Amended Petition.

12. I never engaged in any conspiracy against either Mark Rasmusson, Deborah Rasmusson or Rasmark Jet Charter as alleged in paragraph 36 and in other locations in Plaintiffs' Second Amended Petition.

13. I never agreed with anyone to engage in any illegal act, and never joined any conspiracy with other individuals as alleged in paragraph 54 and else where in Plaintiffs' Second Amended Petition.

14. I did not give my business pager, and home phone numbers under any false pretenses as alleged in paragraph 55 of Plaintiffs Second Amended Petition.

15. I did not frequently appear at the Rasmark Office, did not question Rasmark's employees, did not stop at the Rasmark residence several times a week, did not send any other police officers to the Rasmusson residence, never borrowed the car nor took the keys of the car of Deborah Rasmusson and never had any copies made of her keys, and never went into the Rasmark Jet Charter office nor the Rasmark residences to look through any files nor take any papers, as alleged in paragraph 56 of Plaintiffs' Second Amended Petition.

16. I never told Deborah Rasmusson that I had any information that Mark Rasmusson was plotting to kill her and I never told her that the man she saw in the window of her residence was Mark Rasmusson as alleged in paragraph 57 of Plaintiffs' Second Amended Petition.

17. I never told Mrs. Rasmusson that I had information that Mark Rasmusson was going to kill her and I never told her to get her gun and I never told that I had a team of people that could and would protect her from Mark Rasmusson as alleged in paragraph 59 of Plaintiffs' Second Amended Petition.

18. I never told Deborah Rasmusson to bring the box of records with her, nor told her that I needed to make a phone call to get the help needed to protect her from Mark Rasmusson as alleged in paragraph 60 of Plaintiffs' Second Amended Petition.

19. I was not present during any conversation between Mrs. Rasmusson and Lawrence Frost as alleged in paragraph 61 of Plaintiffs' Second Amended Petition.

20. I was never working as a "plant" working undercover for Lawrence Frost and was never involved in any type of any illegal conspiracy with any other Defendant as alleged in paragraph 62 of Plaintiffs' Second Amended Petition.

21. I never engaged in any conspiracy and never covered up or kept secret any motive for bringing Mrs. Rasmusson to U.S. Customs Agent Lawrence Frost, nor was I responsible for any of the occurrences that Mrs. Rasmusson was complaining to her husband about, nor have I ever worked with nor assisted EPPD Officers Holland and Graves nor El Paso Sheriff's Officers Baker and Keith nor Agent Frost as alleged in paragraph 67 of Plaintiffs' Second Amended Petition.

22. I did not have a partner on November 10, 1992 that went to the U.S. Customs Inspection Station in Ysleta, Texas who took Mrs. Rasmusson to the East Valley Police Sub-Station, as alleged in paragraph 72 of Plaintiffs' Second Amended Petition.

23. I was in no way involved with the search of or any other activities at the Rasmark offices at 6805 Boeing, nor the Rasmusson residence at 11157 Leo Collins, El Paso, Texas on November 22, 1993, as alleged in paragraph 88 of Plaintiffs' Second Amended Petition.

24. I never employed, interviewed, nor paid any informants to say or do anything in connection with Mark Rasmusson, Deborah Rasmusson, or Rasmark Jet Charter, Inc., as alleged in paragraph 101 of Plaintiffs' Second Amended Petition.

25. I never agreed with any one [sic] to supply false, phoney or other wise bogus information as alleged in paragraph 105 of Plaintiffs' Second Amended Petition.

26. 1 never engaged in any conspiracy to deprive the Plaintiffs' of their clearly established Constitutional Rights as alleged In paragraph 106 of Plaintiffs' Second Amended Petition.

27. I have never actively participated in any conspiracy against the Plaintiffs' as alleged in paragraph 107 of Plaintiffs' Second Amended Complaint.

28. At no time did I engage in any conduct that constituted a deprivation of Plaintiffs' Constitutional and protected rights as alleged in paragraph 108 of Plaintiffs' Second Amended Petition.

29. At no time did I agree with any one [sic] to perform any illegal or unlawful act so as to engage in a conspiracy beginning in 1988 and continuing to the present as alleged in paragraph 109 of Plaintiffs' Second Amended Petition.

30. I at no time carried out any searches or seizures without probable cause or with out a warrant as alleged in paragraph 123 of Plaintiffs' Second Amended Petition.

31. I at no time was acting under the direction or control or were in an illegal conspiracy with any of those individuals alleged in paragraphs 129, 131, and 132 of Plaintiffs' Second Amended Petition.

32. I at no time carried out searches, seizures, arrests and malicious prosecution of Plaintiffs as alleged in paragraph 132 of Plaintiffs' Second Amended Petition.

33. I never undertook any actions at all willfully, wantonly, maliciously or with reckless disregard as alleged in paragraph 134 of Plaintiff's Second Amended Complaint. I at no time engaged in any activity that could be characterized as pattern of racketeering activity continuing from 1989 to the present, nor have obstructed justice nor have I engaged in fraud nor done any of the acts complained of in paragraph 140 of Plaintiffs' Second Amended Petition.

34. I was in no way ever involved in intentionally causing the arrest of Mark B. Rasmusson, in causing an assault upon Deborah Rasmusson, in falsely imprisoning Mark Rasmusson, Deborah Rasmusson or Andrew Gantkessy, never maliciously prosecuted Mark Rasmusson or Deborah Rasmusson, never invaded the privacy nor defamed slandered nor portrayed in a false light, and I never interfered with Plaintiffs' business contracts, all as alleged in paragraph 150 of Plaintiffs' Second Amended Petition.

35. I never was in any way involved in wrongfully carrying out any searches, seizures, arrests, or malicious prosecution of Plaintiffs' as alleged in paragraph 156 of Plaintiffs' Second Amended Petition.

36. All decisions and actions that I took in connection with responding to a telephone harassment complaint made by Mark and Deborah Rasmusson and Rasmark Jet Charter, Inc. , as well as all decisions and actions I took in connection with dealing with Deborah Rasmusson were in [sic] done in accordance with the laws of the State of Texas, as well the United States Constitution. I did not attempt to injure or harm any of the named Plaintiffs in this case in any way. I did not violate any clearly established law of which a reasonable law enforcement officer would have known.

37. All actions I took as outlined above in connection with the Rasmussons and Rasmark Jet Charter, Inc., were discretionary functions that a reasonably prudent peace officer would have taken under the same or similar circumstances. A reasonably prudent peace officer would have taken the same actions that I took in connection with the Rasmussons and Rasmark Jet Charter, Inc. I never took any actions concerning the Rasmussons nor Rasmark Jet Charter with any ill will, bad motive, nor malice in mind. All of my actions taken as set out above were done and taken without malice, and in the good faith belief that all of my actions were proper and legal and that I did not violate any clearly established law of the State of Texas or the of [sic] the United States, or of the Constitution of the State of Texas or the Constitution of the United States of America.

Signed on this the 6th day of June, 1996.

/s/ GEORGE SALAS, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 6th day of June, 1996.

/s/ YVONNE HERNANDEZ
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My commission expires: 7/23/97

[Paragraph numbers added to text]

IN THE UNITED STATES DISTRICT COURT
OR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, et.al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No.:
	)	EP-95-CA-475-F
LAWRENCE E. FROST, et.al.,	)	
	)	
Defendants.	)	

AFFIDAVIT

STATE OF TEXAS
COUNTY OF EL PASO

1. On this day personally appeared the person known to me to be GEORGE SALAS, who after been duly sworn stated upon his oath as follows:

2. "My name is GEORGE SALAS, and I am over the age of 21 years, and am competent to make an oath. I have personal, first hand knowledge of all facts and matters set out in this affidavit. 1 have been employed by the City of El Paso as a Uniformed Patrolman for the El Paso Police Department since October 28, 1977.

3. On January 14, 1992, while I was working as a Uniformed Patrolman for the El Paso Police Department I was dispatched to 6825 Convair, El Paso, Texas where I spoke to Mark Rasmusson and Debra Rasmusson. They identified themselves to me as the owners of Rasmark Jet Charter, Inc. The reason I was dispatched to their offices is that there

was a threatening phone call on their answering machine. The recording was played for me and it was a threat to kill one or both of them. They told me that they thought they knew who the individual was and they identified the suspect as a Joe Sudomir. They gave me some of the details about their prior dealings with him and why they felt he was the one who had made the threatening phone call. I advised them to be on the look out for this individual and to notify the police department if he was seen and I also advised him to avoid any contact with him. As I was finishing my interview with them Debra Rasmusson asked me for my work telephone number, and I gave it to her.

4. About two weeks after I was dispatched to the offices of Rasmark Jet Charter, Inc., I received a phone call from Mrs. Debra Rasmusson and she asked if I could do private security work for her. She explained that her husband was out of town very frequently and that someone was harassing her and that she wanted to hire me for protection. I told her I was available to do off duty security work, including providing body guard services. A short time after the initial phone call from Debra Rasmusson she called from her of f ice and I went to her of f ice and took her home. She explained that someone was harassing her and that she wanted me there for protection. My recollection is that during the month of February, 1992 I went over to her house on two or three occasions at night and stayed in the house with her because she said she was afraid and that someone was harassing her and that her husband was out of town.

5. At the end of February, 1992, I contacted a friend of mine who used to be with the El Paso Police Department, but is now an FBI agent, and I gave him the names, addresses, and dates of birth of Mark Rasmusson and Debra Rasmusson and asked him to check into them to make sure that there would be no problems with me continuing to work for Debra Rasmusson. On March 2, 1992 I received a phone call from Mr. Lawrence Frost and he identified himself with the U.S. Customs Service and advised me that he was conducting an investigation into Mark and Debra Rasmusson and Rasmark Jet Charter and that if I observed anything unusual or illegal that the Rasmusson's were doing that I contact him immediately. I told him that I had not observed anything unusual or illegal and that I was providing primarily

bodyguard services for Debra Rasmusson, but that if anything came up, I would contact him.

6. In the next two and a half months I worked for Debra Rasmusson approximately an additional five or six times, and again most of the work I did was bodyguard type of work at her residence while her husband was out of town. on one or two occasions I may have gone with her to the Rasmark Jet Charter offices. All of my work from the beginning to the end was a period of three or four hours at a time, and was never for an extended period of time. I was paid $20.00 an hour for all of the bodyguard or security work I did for Deborah Rasmusson.

7. On one occasion Debra Rasmusson called me over to her house and said there was what appeared to be a bomb in her bedroom. I called the bomb squad of the El Paso Police Department and they came and took the bomb away and told me later that it was a fake bomb.

8. On May 23, 1992, Debra Rasmusson called me and told me that her husband was trying to kill her and that she was very afraid, and that she had some documents in her possession that would send Mark Rasmusson to the penitentiary. Remembering Agent Lawrence Frost, I called him and relayed what Debra Rasmusson had told me and he asked me to go by and pick her up and to get Mrs. Rasmusson to meet them. He instructed me where to go to meet them. I went to the Rasmark Jet Charter offices at 6825 Convair, El Paso, Texas 79925 and picked up Debra Rasmusson, her son, and a box she had in her possession. When I arrived there she was carrying a gun and appeared very frightened. The three of us drove to a Circle K on the corner of Hawkins and Montana and met with U.S. Customs Agent Lawrence Frost and other customs agents and we then went to the customs office on Acer and Viscount here in El Paso, Texas. I do not remember who carried the box from the Rasmark Jet Charter offices to my car, nor who carried the box from my car into the customs office.

9. Once we were all inside the U.S. Customs Office, the agents took her into an interview room and she was separated from me. I did not hear any of the conversation between any U.S. Customs agent and Deborah Rasmusson. We were all at the U.S. Customs office from

three to four hours. Late in the interview I could tell that Deborah Rasmusson was becoming upset because she and Agent Frost began yelling at each other. I could not understand what was being said, I could only hear yelling back and forth. When Debra Rasmusson came out of the interview room she was very upset at everyone, including me. She did not want me tc take her home or anywhere else. She and her son left the U.S Customs Office. I do not remember exactly the details about the box, but I think someone from the U.S Customs Service took the box.

10. All of my actions and employment and dealing with Mark Rasmusson, Debra Rasmusson and Rasmark Jet Charter terminated as of May 23, 1992. I never had anything to do with any of the Rasmussons or anything to do with their business, and I never provided any additional security or bodyguard services, after May 23, 1992.

11. Sometime during the Summer, 1995 as I was walking out of the El Paso Police Department Headquarters located at 911 N. Raynor, El Paso, Texas 79903, Debra Rasmusson came up to me and told me that she and her husband had split up and she asked me for my current office telephone number. I gave it to her and a few weeks thereafter she called and advised that she had an alcohol and cocaine problem and she asked me for help. I advised her that I was dealing with kids in a storefront office and could not help her. She asked me to recommend an agency to her and I recommended the Charter Hospital. I have had no further contact of any kind with Deborah Rasmusson since that time. I had no contact with Deborah Rasmusson of any kind from May 23, 1992 until the summer of 1995.

12. I have never been a member of the U.S. Customs Financial Task Force as alleged in Plaintiffs' Third Amended original Petition.

13. I never engaged in any conspiracy against Mark Rasmusson, Debra Rasmusson or Rasmark Jet Charter as alleged in Plaintiffs, Third Amended Original Petition.

14. I never agreed with anyone to engage in any illegal act,

and never joined any conspiracy with any other individuals as alleged in Plaintiffs' Third Amended Original Petition.

15. I did not give my business pager, and home phone numbers under any false pretenses as alleged in Plaintiffs Third Amended Original Petition.

16. I did not frequently appear at the Rasmark Office, did not question Rasmark's employees, did not stop at the Rasmark residence several times a week, did not send any other police officers to the Rasmusson residence, never borrowed the car nor took the keys of the car of Debra Rasmusson and never had any copies made of her keys, and never went into the Rasmark Jet Charter office nor the Rasmark residences to look through any files nor take any papers, as alleged in Plaintiffs' Third Amended original Petition.

17. I never told Debra Rasmusson that I had any information that Mark Rasmusson was plotting to kill her and I never told her that the man she saw in the window of her residence was Mark Rasmusson as alleged in Plaintiffs' Third Amended Original Petition.

18. I never told Mrs. Rasmusson that I had information that Mark Rasmusson was going to kill her and I never told her to get her gun and I never told that I had a team of people that could and would protect her from Mark Rasmusson as alleged in Plaintiffs' Third Amended Original Petition.

19. I never told Debra Rasmusson to bring the box of records with her, nor told her that I needed to make a phone call to get the help needed to protect her from Mark Rasmusson as alleged in Plaintiffs' Third Amended Original Petition.

20. I was not present during any conversation between Mrs. Rasmusson and Lawrence Frost as alleged in Plaintiffs' Third Amended Petition.

21. I was never working as a plant working undercover for Lawrence Frost or the U.S. Custom Task Financial Task Force and was

never involved in any type of any illegal conspiracy with any other Defendant as alleged in Plaintiffs' Third Amended Original Petition.

22. I never engaged in any conspiracy and never covered up or kept secret any motive for bringing Mrs. Rasmusson to U.S. Customs Agent Lawrence Frost, nor was I responsible for any of the occurrences that Mrs. Rasmusson was complaining to her husband about, nor have I ever worked with nor assisted EPPD Officers James Holland alleged in Plaintiffs' Third Amended Original Petition.

23. I did not have a partner on November 10, 1992 that went to the U.S. Customs Inspection Station in Ysleta, Texas who took Mrs. Rasmusson to the East Valley Police Sub-Station, as alleged in Plaintiffs' Third Amended Original Petition.

24. I was in no way involved with the search of or any other activities at the Rasmark Offices at 6805 Boeing, nor the Rasmusson residence at 11157 Leo Collins, El Paso, Texas on November 22, 1993, as alleged in Plaintiffs' Third Amended Original Petition.

25. I never employed by nor a member of the U. S. Customs Financial Task Force alleged in Plaintiffs' Third Amended Original Petition.

26. I never agreed with any one to supply false, phoney or other wise bogus information as alleged in Plaintiffs' Third Amended Original Petition.

27. I never engaged in any conspiracy to deprive the Plaintiffs' of their clearly established Constitutional Rights as alleged in Plaintiffs' Third Amended Original Petition.

28. I have never actively participated in any conspiracy against the Plaintiffs' as alleged in Plaintiffs' Third Amended Original Petition.

29. At no time did I engage in any conduct that constituted a deprivation of Plaintiffs, Constitutional and protected rights as alleged

in Plaintiffs' Third Amended Original Petition.

30. At no time did I agree with any one [sic] to perform any illegal or unlawful act so as to engage in a conspiracy beginning in 1987 and continuing to the present as alleged in Plaintiffs' Third Amended Original Petition.

31. I at no time carried out any searches or seizures or arrests without probable cause or with out [sic] a warrant against Plaintiffs as alleged in Plaintiffs' Third Amended Original Petition.

32. I at no time was acting under the direction or control or were [sic] in an illegal conspiracy with any of those individuals alleged in Plaintiffs' Third Amended Original Petition.

33. I never undertook any actions at all willfully, wantonly, maliciously or with reckless disregard as alleged in Plaintiff's Third Amended Original Petition.

34. I never was in any way involved in wrongfully carrying out any retaliation, harassment, intimidation, searches, seizures, or arrests, of Plaintiffs' as alleged in Plaintiffs' Third Amended Original Petition.

35. All decisions and actions that I took in connection with responding to a telephone harassment complaint made by Mark and Deborah Rasmusson and Rasmark Jet Charter, Inc., as well as all decisions and actions I took in connection with dealing with Deborah Rasmusson were in done in accordance with the laws of the State of Texas, as well the United States Constitution. I did not attempt to injure or harm any of the named Plaintiffs in this case in any way. I did not violate any clearly established law of which a reasonable law enforcement officer would have known.

36. All actions I took as outlined above in connection with Mark Rasmusson, Debra Rasmusson and Rasmark Jet Charter, Inc. , were discretionary functions that a reasonably prudent peace officer would have taken under the same or similar circumstances. A

reasonably prudent peace officer would have taken the same actions that I took in connection with the Mark Rasmusson, Debra Rasmusson and Rasmark Jet Charter, Inc.

37. I never took any actions concerning Mark Rasmusson, Debra Rasmusson or Rasmark Jet Charter with any ill will, bad motive, nor malice in mind. All of my actions taken as set out above were done and taken without malice, and in the good faith belief that all of my actions were proper and legal and that I did not violate any clearly established law of the State of Texas or the of the United States, or of the Constitution of the State of Texas or the Constitution of the United States of America.

Signed on this the 27th day of March, 1997.

/s/ George Salas, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 27th day of March, 1997.

/s/ Yvonne Hernandez
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My commission expires: 7-23-97

GEORGE SALAS' RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS

1. Admit that on May 23, 1992 11 ... Remembering Agent Lawrence Frost, I called him and relayed what Deborah Rasmusson had told me and he asked me to go by and pick her up and to get Mrs. Rasmusson to meet them. He instructed me where to go to meet them."

RESPONSE: Admit.

2. Admit that on March 2, 1992 you told FROST that you understood that Deborah Rasmusson was of interest to the Customs Service.

RESPONSE: Deny.

3. Admit that on May 23, 1992 you took Mrs. Rasmusson, her son Ian Maye and a box of Rasmark records to the of f ice of FROST located on Viscount Street.

RESPONSE: Admit.

4. Admit that at the time of the meeting on May 23, 1992 with FROST, you pointed to a brown cardboard file box, bearing a handwritten notation, 112 of 18", which belonged to Deborah Rasmusson and Rasmark Jet Charter, Inc.

RESPONSE: Defendant can neither admit nor deny this request for admission because he can not remember. Therefore, Defendant denies this request.

5. Admit that during the meeting on May 23, 1992 with FROST you told FROST that Deborah Rasmusson brought evidentiary records with her.

RESPONSE: Admit.

6. Admit that during the meeting on May 23, 1992 with FROST you told him that the brown cardboard file box, bearing a handwritten notation, 112 of 1811, contained evidence.

RESPONSE: Admit.

7. Admit that you know El Paso Police Department Senior Detective James Holland.

RESPONSE: Admit.

8. Admit that you have discussed either Deborah Rasmusson, Mark Rasmusson or Rasmark Jet Charter, Inc. with Detective James Holland.

RESPONSE: Admit.

9. Admit that on November 10, 1993 you told Senior Detective James Holland of the El Paso Police Department that the box of records which were seized from Deborah Rasmusson, on or about May 23, 1992, had been with Deborah Rasmusson at the office of Rasmark Jet Charter, 6805 Boeing Drive, El Paso, Texas when you picked her up.

RESPONSE: Admit.

10. Admit that you worked during the period from January 1992 to May 23, 1992 for Deborah and Mark Rasmusson as a security and body guard for $20.00 per hour.

RESPONSE: Defendant admits that sometime in either late January, 1992 or early February, 1992 he did work for Deborah Rasmusson until May 23, 1992.

11. Admit that you had a duty to treat Mark B. Rasmusson, Deborah Rasmusson, and Rasmark Jet Charter, Inc. or Rasmark Air in accordance with the regulations, policies and standards of the El Paso

Police Department.

RESPONSE: Admit.

12. Admit that El Paso Police Department worked with FROST in carrying out investigations of Mark B. Rasmusson, Deborah Rasmusson and Rasmark Jet Charter, Inc.

RESPONSE: Defendant can neither admit nor deny this request because he has no idea whether the El Paso Police Department worked with Frost in carrying out Investigations of Mark B. Rasmusson, Deborah Rasmusson, and Rasmark Jet Charter, Inc., and therefore denies the same.

13. Admit that on one occasion Deborah Rasmusson called you over to her house and said there was what appeared to be a bomb in her bedroom, you called the bomb squad of the El Paso Police Department and they came and took the bomb away and told you later that it was a fake bomb.

RESPONSE: Admit.

14. Admit that on January 14, 1992, while working as a uniformed Patrolman for the El Paso Police Department, you were dispatched to 6825 Convair, El Paso, Texas where you spoke to Mark Rasmusson and Deborah Rasmusson pertaining to a death threat that they had received on their office answering machine.

RESPONSE: Admit.

15. Admit that on January 14, 1992 the telephone recording, referred to in Request for Admission 18, was played for you and it was a threat to kill one or both of the. Rasmussons.

RESPONSE: Admit

16. Admit that on January 14, 1992 the Rasmussons gave you

some of the details about their prior dealings with Joe Sudomir.

RESPONSE: Admit.

17. Admit that on January 14, 1992 you advised the Rasmussons to be on the look out for Joe Sudomir and to notify the police department if he was seen and you also advised Mr. Rasmusson to avoid any contact with him.

RESPONSE: Admit.

18. Admit that during the month of February, 1992 you went over to Deborah Rasmusson's house on two or three occasions at night and stayed in the house with her because she said she was afraid and that someone was harassing her and that her [husband] was out of town.

RESPONSE: Admit.

19. Admit that at the end of February, 1992 you contacted a friend of yours who used to be with the El Paso Police Department but is now an FBI agent and gave him the names, addresses, and dates of birth of Mark Rasmusson, and Deborah Rasmusson and asked him to check into them to make sure that there would be no problems with you continuing to work for Deborah Rasmusson.

RESPONSE: Admit.

20. Admit that on March 2, 1992 you received a phone call from FROST and "he identified himself with the U.S. Customs service and advised me that he was conducting an investigation into Mark and Deborah Rasmusson and Rasmark Jet Charter and that if I observed anything unusual or illegal that the Rasmussons' were doing that I contact him immediately. I told him that I had not observed anything unusual or illegal and that I was providing primarily bodyguard services for Deborah Rasmusson, but that if anything came up, I would contact him."

RESPONSE: Admit. [End of Document]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF FONDA HIVICK

"Under the provision of 28 U.S.C. Section 1746, I, Fonda Hivick, do hereby make the following unsworn declaration, under penalty of perjury, pertinent to the above-styled and numbered cause.

I.

I have read Plaintiffs' Second Amended Original Petition. At all times material to the above-captioned case, I was employed as an Internal Revenue Service Special Agent, with the Criminal Investigation Division, Internal Revenue Service, Austin District, Austin, Texas.

II.

My duties while assigned to the Criminal Investigation Division at the El Paso post of duty included the identification and evaluation of prosecution potential of individuals suspected of violations of federal law over which the Internal Revenue Service has investigative authority and the planning and conducting of those investigations utilizing various investigative techniques such as

interviewing, surveillance and execution of search warrants.

III.

At all times material to the above-captioned case, I was on duty at the Internal Revenue Service office, El Paso, Texas and my actions in connection with the plaintiff, which are described below, were taken under color of office, in good faith, upon reasonable grounds, and in pursuance of my official duties as an Internal Revenue Service Special Agent.

IV.

I have no personal knowledge of the allegations made against Mark Rasmusson in United States of America v. Jesus Armando Flores, Luis Ascension Roybal, Mark Rasmusson [emphasis in original], EP-90-CR-258-H, because I did not participate in that investigation.

V.

On or about April 1992 through February 1993 I was assigned to work with the United States Customs Service (USCS) on an Organized Crime Drug Enforcement Task Force (OCDETF). This investigation focused on alleged money laundering between Mexico and the United States. This investigation took many directions, one of which led to Mark Rasmusson and Rasmark Jet Charter.

VI.

On May 27, 1992, I was present when USCS Special Agent Frost opened the box of records obtained from Debra Rasmusson pursuant to a search warrant. I prepared an inventory of items found in the box and gave it to Special Agent Frost.

VII.

On June 11, 1992, I made a cursory examination of the

records but prepared no work papers.

VIII.

On August 20, 1992, I conducted a brief surveillance of Rasmark Jet Charter and made notes of my observations.

IX.

On August 24, 1992, and August 26, 1992, I retrieved information from the Treasury Enforcement Communication System (TECS) concerning international flights made by Rasmark Jet Charter aircraft.

X.

On December 8, 1992, USCS Special Agent Jimmy Searls and I interviewed Mark Rasmusson at his office concerning a round trip charter flight to the Cayman Islands. The purpose of the interview was to learn the manner and amount of payment made by the persons who hired Rasmark Jet Charter and also what knowledge Mark Rasmusson had of their activities while in the Cayman Islands. Mark Rasmusson verbally gave us the information we sought and said that he would look for the invoice on that trip.

XI.

On June 8, 1993, I was at the United States Attorney's Office in the United States Courthouse, El Paso, Texas, debriefing an individual pursuant to a proposed plea agreement. I have no recollection of having ever gone to State National Bank in the company of USCS Special Agent Frost and IRS-CID Special Agent Robert Martinez. I have never stated to anyone that Rasmark is a front corporation for money laundering or that Mark Rasmusson is a known cocaine dealer.

XII.

On November 22, 1993, I was assigned to the search team during the execution of a search warrant at Rasmark Jet Charter. I was one of approximately three agents who searched Mark Rasmusson's office at Rasmark Jet Charter. I identified items that I believed complied with the description of items to be seized on the search warrant. Those items were given to USCS.

XIII.

No other contacts in person, in writing, or otherwise took place between the plaintiffs and myself, to the best of my knowledge and records.

I declare under penalty of perjury, that the foregoing is true and correct tot the best of my knowledge. Executed on the 14th Day of June, 1996.

/s/ Fonda Rose Hivick
Special Agent
Internal Revenue Service - Criminal
Investigation Division

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
	)	CIVIL ACTION NO
	)	
LAWRENCE E. FROST, ET AL.	)	EP-95-CA-475-F
	)	
Defendants	)	

DECLARATION OF FRED J. SCHROEDER

1. I, Fred J. Schroeder, am a Senior Special Agent, U.S. Customs Service, Office of Investigations, El Paso, Texas, and have been employed as an investigator in that office since May 1987.

2. From January 1993 to February 1994, I was assigned to the El Paso Financial Task Force under the direction of Senior Special Agent Lawrence E. Frost, the Lead Agent for the Task Force.

3. While assigned to the Task Force, I was the Team Leader for the Rasmusson portion of the larger money laundering investigation. This team consisted of two El Paso County Deputy Sheriffs, one El Paso Police Department Officer, and one FBI Special Agent. During the 13 months I was a Team Leader in the Task Force, we conducted surveillance at the residence of Mr. and Mrs. Rasmusson, 11157 Leo Collins, El Paso, Texas, which included the retrieval of the residence trash. The team also conducted surveillance at the Rasmark Jet Charter, Inc., business office, El Paso International Airport. The team conducted interviews of former employees and acquaintances, business associates and other persons associated with Mark B. Rasmusson and Deborah L. Rasmusson.

4. I supervised the search of the residence at 11157 Leo Collins, El Paso, Texas, pursuant to a judicially issued search warrant and wrote approximately 98 reports during the course of my involvement with this investigation. Such reports covered the retrieval of the residence trash, surveillance of the residence and business location of Rasmark Jet Charter, Inc., documentation of confidential informants, and various interviews during the course of my investigation. All aspects of the investigation were coordinated with the Lead Agent, Lawrence E. Frost.

5. I have not supplied, nor to my knowledge has any member of the Financial Task Force ever supplied any false information. Further, I have never met or talked with Joseph Sudomir.

6. I have no knowledge of any harassment of Rasmark pilots at Brownsville, Texas on or about October 6, 1988, or of a posted "RED LIST LOOKOUT".

7. I have interviewed Chris Hines during the course of my investigation with the Task Force and documented this interview in a report of investigation. I have no knowledge that any of this information was false or misleading. I met Gail Beach during the course of my investigation with the Task Force, however, I did not receive any information that required a written report to be prepared. She was never a documented source of information. Also, I have never met or talked with Joe Teuchert.

8. On May 23, 1992, I was contacted by the Currency Group Supervisor, Michael Wilczewski, to assist in a consent search of the Rasmark office building. The search was called off and I then reported to the Joffice of Investigations, located at 9400 Viscount, El Paso, Texas. Upon arrival I met with Special Agents Eric Mills and Richard Johnson in front of the building. Agent Mills told me that the building fire alarm had been activated, and I observed Mrs. Rasmusson's son, Ian, seated in front of the building. Ian stated to Agent Mills that he did not understand what was going on, that "all the evidence needed is right here in this box." On the ground in front of Ian was a cardboard box. After Agent Lawrence Frost and Mrs. Rasmusson came out of the

building, Agent Frost told Ian and Mrs. Rasmusson that they could leave. After they walked away, I told Agent Frost what Ian had said about the box containing evidence. Agents Frost and Mills then left to ask Mrs. Rasmusson if they could have the box. A short time later Agent Frost contacted the Sector Communications office, reporting that a police unit was needed and that Ian had assaulted Agent Mills. I responded to the Diamond Shamrock convenience store located a short distance away and Agent Johnson and myself put Ian in the back seat of a Government vehicle. Ian stated he did not understand why he was being treated that way and I tried to explain the seriousness of assaulting an officer. Ian then voluntarily told me that his mother had brought the evidence because they thought his stepfather was trying to kill his mother. He further stated that his stepfather had sold his mother's half of the business and that his stepfather changed his will leaving him (Ian) and his sisters out of the will in the event of his mother's death. After the police arrived, Ian was released and left with his mother, Mrs. Rasmusson.

9. I have no knowledge of any information being given to State National Bank officials to the effect that Rasmark was a mere front corporation for money laundering or that Mark B. Rasmusson was a known cocaine dealer.

10. On June 2, 1993, the Financial Task Force contacted Andrew Gantkessy, an employee of Favesa, a subsidiary of Ford Motor Company, and he agreed to an interview at his office, 15 Leigh Fisher Drive, El Paso, Texas. Mr. Gantkessy was interviewed for a short time by myself, Special Agents Lawrence Frost, Larry Brown, FBI Special Agent Joseph Acosta, and El Paso Police Department, Detective James Holland. Mr. Gantkessy agreed to talk with us and was never prevented from leaving the room. On June 3, 1993, Mr. Gantkessy voluntarily came to my office at 9400 Viscount, El Paso, Texas, to continue the interview. Several days later, Mr. Gantkessy refused to see me again because he said his doctor told him he did not have too. I did not tell Mr. Gantkessy that he would be placed in jail if he did not cooperate or refused to talk with myself other United States Customs Service agents. I have not talked to Mr. Gantkessy since June 1993.

11. I have no knowledge of any discussions between Mr. Gantkessy and his employers at Ford Motor Company or reasons Mr. Gantkessy left the company.

12. On November 22, 1993, I supervised the execution of a judicially issued search warrant of the residence of Mark B. Rasmusson and Deborah L. Rasmusson at 11157 Leo Collins, El Paso, Texas. No forced entry was made. Mrs. Rasmusson permitted entry by the participating officers, and an orderly and professional search was conducted. All of the property taken was tagged and shown to Mrs. Rasmusson before it was removed from the premises. I believe that when I entered the residence I asked Mrs. Rasmusson if there were any guns in the residence and she replied that there were not and that the gun safe was open. I am not aware of any missing records or property.

13. I have no knowledge of any false, misleading, or unreliable information in the affidavits supporting the search warrants of the residence at 11157 Leo Collins or the business office of Rasmark Jet Charter, Inc.

14. I did not participate in the execution of the judicially issued search on the business office of Rasmark Jet Charter, Inc., on November 22, 1993.

15. I participated in the retrieval of the trash at the residence of Mrs. Rasmusson by having the El Paso Sanitation Department turn it over to me or other members of the Task Force. The description of the documentation retrieved is accurate and I know of no covert and warrantless entry into the residence of Mrs. Rasmusson to obtain additional evidence.

16. I have no knowledge of any interference by any member of the Task Force in contract negotiations between Rasmark and Ford Motor Company.

17. I have no knowledge of any threats against Mrs. Rasmusson or an attack upon Mrs. Rasmusson and her son Ian while they were at a stoplight in January 1994.

18. I have no knowledge of any Texas Commerce Bank official being told to the effect that Rasmark was a front for drug money laundering or that Mark B. Rasmusson was a drug dealer.

19. I am unaware of any unreliable information furnished during the investigation of Rasmark and Mark B. Rasmusson or the payment of huge sums of money for information furnished. I only paid one informant the sum of $200 during the course of the investigation, and it was for information not directly related to the Rasmussons. I do not know what the term "past posting informant information" means or has reference too.

20. I was neither involved in nor do I have any personal knowledge of the remaining allegations contained in the Plaintiffs' Second Amended Petition.

21. I declare under penalty of perjury that the foregoing statements are true an correct.

July 30, 1996
Date

/s/ Fred J. Schroeder
Senior Special Agent
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO
	)	
	)	EP-95CA-475-F
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF FRED J. SCHROEDER

1. I, Fred J. Schroeder, am a Senior Special Agent, U.S. Customs Service, Office of Investigations, El Paso, Texas, and have been employed as an investigator in that office since May 1987.

2. From January 1993 to February 1994, I was assigned to the El Paso Financial Task Force under the direction of Senior Special Agent Lawrence E. Frost, the Lead Agent for the Task Force.

3. While assigned to the Task Force, I was the Team Leader for the Rasmusson portion of the larger money laundering investigation. This team consisted of two El Paso County Deputy Sheriffs, one El Paso Police Department Officer, and one FBI Special Agent. During the 13 months I was a Team Leader in the Task Force, we conducted surveillance at the residence of Mr. and Mrs. Rasmusson, 11157 Leo Collins, El Paso, Texas, which included the retrieval of the residence trash. The team also conducted surveillance at the Rasmark Jet Charter, Inc., business office, El Paso International Airport. The team conducted interviews of former employees and acquaintances, business associates and other persons associated with Mark B. Rasmusson and Deborah L. Rasmusson.

4. I supervised the search of the residence at 11157 Leo Collins, El Paso, Texas, pursuant to a judicially issued search warrant and wrote approximately 98 reports during the course of my involvement with this investigation. Such reports covered the retrieval of the residence trash, surveillance of the residence and business location of Rasmark Jet Charter, Inc., documentation of confidential informants, and various interviews during the course of my investigation. All aspects of the investigation were coordinated with the Lead Agent, Lawrence E. Frost.

5. I have not supplied, nor to my knowledge has any member of the Financial Task Force ever supplied any false information.

6. I have no knowledge of any harassment of Rasmark pilots at Brownsville, Texas on or about October 6, 1988.

7. I have interviewed Chris Hines during the course of my investigation with the Task Force and documented this interview in a report of investigation. I have no knowledge that any of this information was false or misleading. I met Gail Beach during the course of my investigation with the Task Force, however, I did not receive any information that required a written report to be prepared. She was never a documented source of information.

8. On May 23, 1992, I was contacted by the Currency Group Supervisor, Michael Wilczewski, to assist in a consent search of the Rasmark office building. The search was called off and I then reported to the office of Investigations, located at 9400 Viscount, El Paso, Texas. Upon arrival I met with Special Agents Eric Mills and Richard Johnson in front of the building. Agent Mills told me that the building fire alarm had been activated, and I observed Mrs. Rasmusson's son, Ian, seated in front of the building. Ian stated to Agent Mills that he did not understand what was going on, that "all the evidence needed is right here in this box." On the ground in front of Ian was a cardboard box. After Agent Lawrence Frost and Mrs. Rasmusson came out of the building, Agent Frost told Ian and Mrs. Rasmusson that they could leave. After they walked away, I told Agent Frost what Ian had said about the box containing evidence. Agents Frost and Mills then left to

ask Mrs. Rasmusson if they could have the box. A short time later Agent Frost contacted the Sector Communications office, reporting that a police unit was needed and that Ian had assaulted Agent Mills. I responded to the Diamond Shamrock convenience store located a short distance away and Agent Johnson and myself put Ian in the back seat of a Government vehicle. Ian stated he did not understand why he was being treated that way and I tried to explain the seriousness of assaulting an officer. Ian then voluntarily told me that his mother had brought the evidence because they thought his stepfather was trying to kill his mother. He further stated that his stepfather had sold his mother's half of the business and that his stepfather changed his will leaving him (Ian) and his sisters out of the will in the event of his mother's death. After the police arrived, Ian was released and left with his mother, Mrs. Rasmusson.

9. I have no knowledge of any information being given to any Bank official pertaining to any of the Plaintiffs.

10. On June 2, 1993, the Financial Task Force contacted Andrew Gantkessy, an employee of Favesa, a subsidiary of Ford Motor Company, and he agreed to an interview at his office, 15 Leigh Fisher Drive, El Paso, Texas. Mr. Gantkessy was interviewed for a short time by myself, Special Agents Lawrence Frost, Larry Brown, FBI Special Agent Joseph Acosta, and El Paso Police Department, Detective James Holland. Mr. Gantkessy agreed to talk with us and was never prevented from leaving the room. On June 3, 1993, Mr. Gantkessy voluntarily came to my office at 9400 Viscount, El Paso, Texas, to continue the interview. Several days later, Mr. Gantkessy refused to see me again because he said his doctor told him he did not have too. I did not tell Mr. Gantkessy that he would be placed in jail if he did not cooperate or refused to talk with myself other United States Customs Service agents. I never threatened or attempted to coerce Mr. Gantkessy in talking with me. I have not talked to Mr. Gantkessy since June 1993.

11. I have no knowledge of any discussions between Mr. Gantkessy and his employers at Ford Motor Company or reasons Mr. Gantkessy left the company.

12. Andrew GANTKESSY was never forced, coerced nor threatened to do or say anything by myself, nor am I aware of any other member of the FTF having threatened, coerced or forced GANTKESSY to do anything. GANTKESSY never told me, nor anyone else involved in this investigation, that he had won flights on RASMARK aircraft in a raffle.

13. Andrew GANTKESSY never asked to speak to an attorney when I interviewed him.

14. I know nothing about a RASMARK aircraft being stopped and searched in Indianapolis, Indiana.

15. I, nor anyone involved in the investigation of the plaintiffs, coerced Fjord Motor Company to do anything.

16. On November 22, 1993, I supervised the execution of a judicially issued search warrant of the residence of Mark B. Rasmusson and Deborah L. Rasmusson at 11157 Leo Collins, El Paso, Texas. No forced entry was made. Mrs. Rasmusson permitted entry by the participating officers, and an orderly and professional search was conducted. All of the property taken was tagged and shown to Mrs. Rasmusson before it was removed from the premises. I believe that when I entered the residence I asked Mrs. Rasmusson if there were any guns in the residence and she replied that there were not and that the gun safe was open. I am not aware of any missing records or property. It should be noted that Lue Jackson, Larry Harrell, Dante Orante, C.W. Moore, Cynthia Mandujan and Daniel Ramirez were in no way involved in the execution of this search warrant.

17. I have no knowledge of any false, misleading, or unreliable information in the affidavits supporting the search warrants of the residence at 11157 Leo Collins or the business office of Rasmark Jet Charter, Inc.

18. I did not participate in the execution of the judicially issued search warrant on the business office of Rasmark Jet Charter, Inc., on November 22, 1993.

19. I participated in the retrieval of the trash at the residence of Mrs. Rasmusson by having the El Paso Sanitation Department turn it over to me or other members of the Task Force. The description of the documentation retrieved is accurate and I know of no covert and warrantless entry into the residence of Mrs. Rasmusson to obtain additional evidence. Further more to my knowledge all evidence seized by the FTF was maintained in a proper chain of custody. Special Agents and Police Officers assigned to the FTF followed all pertinent laws and regulations as well as specific agency guidelines relating to obtaining the trash from the RASMUSSON residence.

20. I have no knowledge of any interference by any member of the Task Force in contract negotiations between Rasmark and Ford Motor Company.

21. I am unaware of any unreliable information furnished during the investigation of Rasmark and Mark B. Rasmusson or the payment of huge sums of money for information furnished.

22. The only involvement I had in the Jesus Flores investigation was that I conducted some night-time surveillance and I assisted during two search warrants, neither of which involved any of the Plaintiffs.

23. I was not present during the Border Search of Deborah Rasmusson car on November 10, 1992.

24. I have never entered into an agreement with anyone nor am I aware of anyone having an agreement, "the goal of which was to steal the assets of RASMARK".

25. I have never participated in nor am I aware of any "bogus investigations" nor "sham prosecutions".

26. I have never implemented nor participated in a plan to "shut down RASMARK by carrying out a pattern of harassment, intimidation, coercion and retaliation against the Plaintiffs".

27. I have never participated in, directed, nor am I ware of any strip searches of any RASMARK passengers nor crew members.

28. I have never, nor am I aware of any other officer, "setting out to manufacture by harassment, intimidation, coercion and retaliation" any evidence or facts in any case, specifically including the investigation activities carried out in relation to the RASMUSONs and Andrew GANTKESSY.

29. El Paso Police Officer Salas was never a member of the FTF neither officially nor "unofficially" and the association of the Task Force with him was limited.

30. I have never individually nor in concert with any other person, acted for the "expressed purpose of ruining Mark RASMUSSON, Deborah RASMUSSON, RASMARK, and Andrew GANTKESSY.

31. I have never, nor am I aware of anyone else, ever asking GANTKESSY to cooperate in "wire tapping" nor "fabricating lies against the RASMUSSONs and RASMARK".

32. I have never participated in, nor approved, of a plan to continue any "unlawful investigation" nor am I aware of any such action by any other person.

33. I have never been a part of any "plan", nor am I aware of any other person, being involved in a "plan" to disrupt the business relationship between the Plaintiffs and Ford Motor Company.

34. I have not, nor am I aware of any other law enforcement officer nor person acting as an agent of a law enforcement officer, having entered the RASMUSSON residence or RASMARK office unlawfully.

35. At no time did I, nor anyone I am aware of, covertly enter the RASMUSSON residence.

36. In reference to Count I of the plaintiffs First Cause of Action, I have never engaged in the violation of the plaintiffs rights nor in any cover-up of any conspiratorial acts. Additionally, I have never been a part of, nor am I aware of the existence of any conspiracy to deprive the plaintiffs of their constitutional rights.

37. I have never engaged individually, nor in concert with any other person, in a pattern of harassment, intimidation, and retaliation against plaintiffs, as a part of an alleged conspiracy to steal the assets of Mark and Deborah RASMUSSON.

38. In reference to Count VIII, Eighth Cause of Action, of the plaintiffs complaint, as previously stated I have never been a member of, nor am I aware of the existence of, any conspiracy against the plaintiffs.

39. The plaintiffs have alleged the existence of a "Plan A, B, and C". What the plaintiffs refer to an "Plan A" is commonly referred to by Federal Agents as a "criminal investigation". I am not aware of, nor have I ever heard of, what the plaintiffs refer to as "Plan B nor C".

40. All of my actions during the investigation of the Plaintiffs were done in good faith and within the course and scope of my federal employment.

41. I declare under penalty of perjury that the foregoing statements are true and correct.

04-02-97
Date

/s/ Fred J. Schroeder
Senior Special Agent

[Paragraph numbers added to text]

AFFIDAVIT OF FRED SCHROEDER

STATE OF TEXAS §
COUNTY OF EL PASO §

1. BEFORE ME, the undersigned authority on this day personally appeared FRED SCHROEDER, known to me to be the person whose signature is subscribed below and after being duly sworn did upon oath depose and state the following:

2. My name is FRED SCHROEDER. I am over the age of 18 and am fully competent to make this affidavit. I hereby state that I have personal knowledge of the facts stated herein and that these facts are true and correct.

3. I am employed as a Special Agent by the United States Department of the Treasury, U.S. Customs Service. In 1993, 1 was involved in an investigation regarding Plaintiffs Mark Rasmusson and Deborah Rasmusson. In connection with this investigation I interviewed CHRIS HINES once on March 16, 1993, in El Paso, Texas. The contents of the matters discussed in such interview were reduced to writing and have been previously produced to the Plaintiffs in this litigation.

4. After March 9, 1993, 1 recall telephonically contacting CHRIS HINES approximately five to six times to clarify details previously discussed. I had no further contact with CHRIS HINES after July, 1993. 1 have reviewed the records maintained by my Agency concerning Mark Rasmusson and Deborah Rasmusson and have not located any records which indicate CHRIS HINES made any statements, or supplied any information to the United States Customs Service regarding Mark Rasmusson or Deborah Rasmusson, or the matters

alleged by such Plaintiffs in this litigation, after July, 1993.

Further, Affiant sayeth naught."

/s/ FRED SCHROEDER

SWORN AND SUBSCRIBED TO BEFORE ME the undersigned authority on this 1st day of April, 1997.

/s/ Margaret M. Aguirre
Notary Public in and for
State of Texas
My Commission Expires 8-23-97

[Paragraph numbers added to text]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK A. RASMUSSON, et.al.,	}	
	}	
Plaintiffs,	}	
	}	
vs.	}	Cause No.: EP-95-CA-475-F
LAWRENCE E.. FROST, et.al.,	}	
	}	
Defendants.	}	

AFFIDAVIT

STATE OF TEXAS }
COUNTY OF EL PASO }

On this day personally appeared the person known to me to be JAMES HOLLAND, who after been duly sworn stated upon his oath as follows:

1. "My name is JAMES HOLLAND, and I am over the age of 21 years, and am competent to make an oath. I have personal, first hand knowledge of all facts and matters set out In this affidavit. I have been employed by the City of El Paso as a commissioned peace officer for the El Paso Police Department since January 6, 1972.

2. From January, 1993, until April, 1995, 1 was assigned to the United States Customs-Service Financial Task Force. As part of my duties with the United States Customs Financial Task Force, I assisted in the Investigation of Mark B. Rasmusson, Deborah Rasmusson and Rasmark Jet Charter, Inc. Attached to Plaintiffs' Second Amended Original Petition as Exhibit "5" is a copy of a. twenty six page sworn affidavit of Lawrence E. Frost, dated November 19, 1993. All actions

and decisions I took in connection with the activities attributed to me that occurred on February 12, 1993, March 1, 1993, March 16, 1993, April 20, 1993, May 13, 1993, June 2, 1993, June 17, 1993, June 28, 1993, November 4, 1993, November 10, 1993, as well as the execution of the search warrant at the offices of Rasmark on November 22, 1993, were all decisions and actions that I took in my official capacity as a commissioned peace officer, and where done in accordance with the law of the state of Texas, as well as the laws of the United States, and the Texas and United States Constitution.

3. I never engaged in any conspiracy against either Mark Rasmusson, Deborah Rasmusson or Rasmark Jet Charter as alleged in paragraph 36 and in other locations in Plaintiffs' Second Amended Petition.

4. I never agreed with anyone to engage in any illegal act, and never joined any conspiracy with any other individuals as alleged in paragraph 88 and else where in Plaintiffs' Second Amended Petition.

5. I was involved with the search of the Rasmark offices at 6805 Boeing El Paso, Texas, on November 22, 1993. The search conducted at that location was done pursuant to a -validly issued search warrant.

6. I picked up the residential trash at 11157 Leo Coll ins, El Paso, Texas on May 13, 1993, June 17, 1993, and on June 28, 1993. I never took any documents or records out of the Rasmusson residence.

7. I did not intimidate nor harass Ms. Deborah Rasmusson at the El Paso Police Department Narcotics Division Headquarters on December 26, 1993, as alleged in paragraph 94 of Plaintiffs Second Amended Petition.

8. I never used any informants that I knew were unreliable, never paid any informants any sums of money for information that I knew was unreliable, never prepared any false reports or affidavit, and never created any reports on investigation using information that I knew to be false of illegal, as alleged in para graph 101 of Plaintiffs Second

Amended Petition.

9. I never engaged in any conspiracy to deprive the Plaintiff of their clearly established constitutional rights or did any of those other allegations made against me as alleged in paragraph 106 of Plaintiffs Second Amended Petition.

10. I never actively participated in any conspiracy against the Plaintiffs, nor took any of the acts alleged, as set out in paragraph 107 of Plaintiffs Second Amended Complaint.

11. At no time did I engage in any conduct that constituted a deprivation of Plaintiffs' constitutionally protected rightsalleged in paragraph 108 of Plaintiffs Second Amended Petition.

12. At no time did I agree with anyone to perform any illegal of unlawful act so as to engage in a conspiracy beginning in 1988 and continuing to the present as alleged in paragraph 109 of Plaintiffs Second Amended Petition.

13. I at no time carried out any searches or seizures without probable cause or with out a warrant as alleged in paragraph 123 of Plaintiffs' Second Amended Petition.

14. I at no time was acting under the direction or control or were in an illegal conspiracy with any of those individuals as alleged in paragraphs 129, 131, and 132 of Plaintiffs' Second Amended Petition.

15. I at no time was acting under the direction or control or were in an illegal conspiracy with any of those individuals as alleged in paragraphs 129, 131, and 132 of Plaintiffs' Second Amended Petition.

16. I at no time carried out searches, seizures, arrests and malicious prosecution of Plaintiffs as alleged in paragraph 132 of Plaintiffs' Second Amended Petition.

17. I never undertook any actions at all willfully, wantonly, maliciously or with reckless disregard as alleged in paragraph 134 of

Plaintiff's Second Amended Petition.

18. I at no time engaged in any activity that could be characterized as a pattern of racketeering activity continuing from 1989 to the present, nor have I obstructed justice nor have I engaged in fraud nor done any of the acts complained of in paragraph 140 of Plaintiffs' Second Amended Petition.

19. I was in no way ever involved in intentionally causing the arrest of Mark B. Rasmusson, in causing an assault upon Deborah Rasmusson, in falsely imprisoning Mark Rasmusson, Deborah Rasmussonor Andrew Gantkessy, never maliciously prosecuted Mark Rasmusson or Deborah Rasmusson, never invaded the privacy nor defamed, slandered nor portrayed in a false light, and I never interfered with Plaintiffs' business contracts, all as alleged in paragraph 150 of Plaintiffs' second Amended Petition.

20. I never was in any way involved in wrongfully carrying out any searches, seizures, arrests, or malicious prosecution of Plaintiffs' as alleged in paragraph 156 of Plaintiffs' Second Amended Petition.

21. All decisions and actions that I took in connection with any investigation of Mark and Deborah Rasmusson and Rasmark Jet Charter, Inc., were, done in accordance with the laws of the State of Texas, the laws of the United States, as well the United States Constitution. I did not attempt to injure or harm any of the named Plaintiffs in this case in any way. I did not violate any clearly established law of which a reasonable law enforcement officer would have known.

22. All actions I took as outlined above in connection with the Rasmussons and Rasmark Jet Charter, Inc., were discretionary functions that a reasonably prudent peace officer would have taken under the same or similar circumstances. A reasonably prudent peace officer would have taken the same actions that I took in connection with the Rasmussons and Rasmark Jet Charter, Inc.

23. I never took any actions concerning the Rasmussons nor

Rasmark Jet Charter with any ill will, bad motive, nor malice in mind. All of my actions taken as set out above were done and taken without. malice, and in the good faith belief that all of my actions were proper and legal and that I did riot violate any clearly established law of the State of Texas or the of the United States, or of the Constitution of the State of Texas or the Constitution of the United States of America.

Signed on this the 8th day of July, 1996.

/s/ James Holland, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 8th day of July, 1996.

/s/ Yvonne Hernandez, Notary
Notary Public In and for
The State of Texas
My commission expires: 07-28-97

[Paragraph numbers added to text]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON RASMARK JET CHARTER, INC., ET AL	§ § §	
PLAINTIFFS,	§	CIVIL ACTION
vs.	§	EP-95-CA-475-F
LAWRENCE E. FROST, ET AL., DEFENDANTS	§ §	

AFFIDAVIT OF JAMES HOLLAND

STATE OF TEXAS §
COUNTY OF EL PASO §

BEFORE ME, the undersigned authority on this day personally appeared JAMES HOLLAND, known to me to be the person whose signature is subscribed below and after being duly sworn did upon oath depose and state the following:

1. My name is JAMES HOLLAND. I am over the age of 18 and am fully competent to make this affidavit. I hereby state that I have personal knowledge of the facts stated herein and that these facts are true and correct.

2. I am employed as a Police Officer by the City of El Paso Police Department. In 1993, 1 was involved in an investigation regarding Plaintiffs Mark Rasmusson and Deborah Rasmusson. In connection with this investigation I interviewed CHRIS HINES once on March 16, 1993, in El Paso, Texas. The contents of the matters

discussed in such interview were reduced to writing by FRED SCHROEDER, U.S. Customs, and have been previously produced to the Plaintiffs in this litigation by the Federal Defendants.

3. After March 16, 1993, I had no further contact with CHRIS HINES. I have reviewed the records maintained by my Department concerning Mark Rasmusson and Deborah Rasmusson and my own recollection and have not located any records which indicate CHRIS HINES made any statements, or supplied any information to the El Paso Police Department regarding Mark Rasmusson or Deborah Rasmusson, or the matters alleged by such Plaintiffs in this litigation, after March 16, 1993.

Further, Affiant sayeth naught."

/s/ James Holland

SWORN AND SUBSCRIBED TO BEFORE ME the undersigned authority on this 31 day of March, 1997.

/s/ Evangelina E. Soto
Notary Public in and for
State of Texas
My Commission Expires 10-02-00

[Paragraph numbers added to text]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, et.al.,	}	
	}	
Plaintiffs,	}	
	}	
vs.	}	Cause No.: EP-95-CA-475-F
	}	
LAWRENCE E. FROST, et.al.,	}	
	}	
Defendants.	}	

AFFIDAVIT

STATE OF TEXAS }
COUNTY OF EL PASO }

On this day personally appeared the person known to me to be JAMES HOLLAND, who after been duly sworn stated upon his oath as follows:

1. "My name is JAMES HOLLAND, and I am over the age of 21 years, and am competent to make an oath. I have personal, first hand knowledge of all facts and matters set out in this affidavit. I have been employed by the City of El Paso as a commissioned peace officer for the El Paso Police Department since January 6, 1972.

2. From January, 1993, until April, 1995, 1 was assigned to the United States Customs Service Financial Task Force. As part of my duties with the United States Customs Financial Task Force, I assisted in the investigation of Mark B. Rasmusson, Debra Rasmusson and Rasmark Jet Charter, Inc. Attached to Plaintiffs' Second Amended Original Petition as Exhibit "5" is a copy of a twenty six page sworn

[sic] affidavit of Lawrence E. Frost, dated November 19, 1993. All actions and decisions I took in connection with the activities attributed to me that occurred on February 12, 1993, March 1, 1993, March 16, 1993, April 20, 1993, May 13, 1993, June 2, 1993, June 17, 1993, June 28, 1993, November 4,, 1993, November 10, 1993, as well as the execution of the search warrant at the offices of Rasmark on November 22, 1993, were all decisions and actions that I took in my official capacity as a commissioned peace officer, and where done in accordance with the law of the state of Texas, as well as the laws of the United States, and the Texas and United States Constitution.

3. I never engaged in any conspiracy against either Mark Rasmusson, Debra Rasmusson or Rasmark Jet Charter as alleged in Plaintiffs' Third Amended Original Petition.

4. I never agreed with anyone to engage in any illegal act, and never joined any conspiracy with any other individuals as alleged in Plaintiffs' Third Amended Original Petition.

5. I was involved with the search of the Rasmark offices at 6805 Boeing El Paso, Texas, on November 22, 1993. The search conducted at that location was done pursuant to a validly issued search warrant ordering the search signed by a U.S. Magistrate.

6. I picked up the residential trash at 11157 Leo Collins, El Paso, Texas on May 13, 1993, June 17, 1993, and on June 28, 1993. The way I obtained the trash was to wait around the corner from the Rasmusson residence and obtain the segregated bag from an employee of the City of El Paso Sanitation Department. I never took any documents or records out of the Rasmusson residence. I never went on to their property including never going in or onto their trash cabana, at all for any purpose.

7. I did not harass intimidate nor retaliate against Mark B. Rasmusson, Ms. Debra Rasmusson, Rasmark Jet Charter or Andrew Ganthessy as alleged in Plaintiffs Third Amended Original Petition.

8. I never engaged in any conspiracy to deprive any Plaintiff

of their clearly established constitutional rights or did any of those other improper allegations made against me as alleged in Plaintiffs Third Amended Original Petition.

9. I never actively participated in any conspiracy against the Plaintiffs, nor took any of the improper actions alleged, in Plaintiffs Third Amended Original Petition.

10. At no time did I engage in any conduct that constituted a deprivation of Plaintiffs' constitutionally protected rights alleged in Plaintiffs Third Amended original Petition.

11. At no time did I agree with anyone to perform any illegal of [sic] unlawful act so as to engage in a conspiracy beginning in 1987 and continuing to the present as alleged in Plaintiffs Third Amended Original Petition.

12. I at no time carried out any searches or seizures or arrests without probable cause or with out [sic] a warrant as alleged in Plaintiffs' Third Amended Original Petition.

13. I at no time carried out any illegal searches, seizures, nor arrests of Plaintiffs as alleged in Plaintiffs' Third Amended Petition.I never undertook any actions at all willfully, wantonly, maliciously or with reckless disregard as alleged in Plaintiff's Third Amended Original Petition.

14. I never was in any way involved in wrongfully carrying out any harassment, intimidation, retaliation, searches, seizures, or arrests, of Plaintiffs' as alleged in Plaintiffs' Third Amended Petition.

15. All decisions and actions that I took in connection with any investigation of Mark Rasmusson and Debra Rasmusson, Rasmark Jet Charter Inc., and Andrew Ganthessy, were, done in accordance with the laws of the State of Texas, the laws of the United States, as well the United States Constitution. I did not attempt to injure or harm any of the named Plaintiffs in this case in any way. I did not violate any clearly established law of which a reasonable law enforcement officer would

have known.

16. All actions I took as outlined above in connection with Mark Rasmusson, Debra Rasmusson, Rasmark Jet Charter, Inc., and Andrew Ganthessy were discretionary functions that a reasonably prudent peace officer would have taken under the same or similar circumstances. A reasonably prudent peace officer would have taken the same actions that I took in connection with the Plaintiffs.

17. I never took any actions concerning the Mark Rasmusson, Debra Rasmusson, Rasmark Jet Charter, Inc., or Andrew Ganthessy with any ill will, bad motive, nor malice in mind. All of my actions taken as set out above were done and taken without malice, and in the good faith belief that all of my actions were proper and legal and that I did not violate any clearly established law of the State of Texas or the of the United States, or of the Constitution of the State of Texas or the Constitution of the United States of America.

Signed on this the 31st day of March, 1997.

/s/ James Holland, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority,
on this the 31 day of March, 1997.

/s/ Evangelina E. Soto
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My commission expires: 10-02-00

JAMES HOLLAND RESPONSE TO REQUEST FOR ADMISSION

1. Admit that on February 12, 1993 Senior Special Agent Fred Schroeder, Customs Auditor Hector Barrera and you interviewed Arturo Vargas at the U.S. Customs Office of Enforcement, El Paso, Texas pertaining to either Deborah Rasmusson, Mark Rasmusson or Rasmark Jet Charter.

RESPONSE: Admit.

2. Admit that on March 16, 1993 Senior Special Agent Fred Schroeder and you interviewed Christopher Hines pertaining to either Deborah Rasmusson, Mark Rasmusson or Rasmark Jet Charter.

RESPONSE: Admit.

3. Admit that on April 20, 1993 you reported to Special Agent Lawrence E. Frost that a Confidential Source reported that Mark Rasmusson had been arrested in the Cayman Islands.

RESPONSE: Admit.

4. Admit that on May 13, 1993 U.S. Senior Special Agent Fred Schroeder and you obtained the residential trash from 11157 Leo Collins, El Paso, Texas.

RESPONSE: Admit.

5. Admit that on May 13, 1993 U.S. Senior Special Agent Fred Schroeder and you allegedly retrieved a folded up advisement form from the Internal Revenue Service giving the requirements for reporting cash purchases over $10,000.00 from the residential trash at 11157 Leo Collins, El Paso, Texas.

RESPONSE: Defendant can neither admit nor deny this request for admission as written. Defendant does not

know what Plaintiffs mean when they insert the word "Allegedly" into this request. Defendant admits that he and senior special agent Fred Schroeder retrieved the residential trash from 11157 Leo Collins, El Paso, Texas, on May 13, 1993.

6. Admit that on June 2, 1993 U.S. Customs Special Agents Fred Schroeder, Larry Brown, Federal Bureau of Investigation Special Agent Joe Acosta and you contacted Andrew Gantkessy at 15 Leigh Fisher Drive, El Paso, Texas pertaining to either Deborah Rasmusson, Mark Rasmusson or. Rasmark Jet Charter and to himself.

RESPONSE: Admit.

7. Admit that on June 17, 1993 you obtained the residential trash from the Rasmusson residence at 11157 Leo Collins, El Paso, Texas.

RESPONSE: Admit.

8. Admit that on June 28, 1993 U.S. Customs Agents Larry Brown, Fred Schroeder and you obtained the residential trash from 11157 Leo Collins, El Paso, Texas.

RESPONSE: Admit.

9. Admit that on June 28, 1993 U.S. Customs Agents Larry Brown, Fred Schroeder and you allegedly retrieved an envelope with the name Bill Jilles and telephone number (214) 964-1641 hand written on the back.

RESPONSE: Defendant can neither admit nor deny this request for admission as written. Defendant does not know what Plaintiffs mean when they insert the word "Allegedly" into this request for admission. Defendant admits that he and U.S. Customs agents Larry Brown and Fred Schroeder obtained the residential trash from 11157 Leo Collins on June 28, 1993.

10. Admit that on November 4, 1993 that you contacted Ms. Sanchez regarding an alleged assault filed against Deborah Rasmusson.

RESPONSE: Admit.

11. Admit that on March 1, 1993 Officer Andrew DeAngelo provided a statement to you allegedly pertaining to his observations of Rasmark Jet Charter.

RESPONSE: Defendant can neither admit nor deny this request for admission as written. Defendant does not know what Plaintiffs mean when -they insert the word "Allegedly: into this request for admission. Defendant admits he obtained a statement from officer Andrew DeAngelo on March 1, 1993.

12. Admit that on November 10, 1993 Defendant Salas of the El Paso Police Department told you that the box of records which were seized from Deborah Rasmusson, on or about May 23, 1992, had been with Deborah Rasmusson at the office of Rasmark Jet Charter, 6805 Boeing Drive, El Paso, Texas when he [officer Salas] picked her up.

RESPONSE: Admit.

[End of document]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON,, ET AL.,	)	
	)	
Plaintiffs,	)	
v.	)	NO. EP-95-CA-475-F
	)	
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF ERIC E. MILLS

1. I, Eric E. Mills, am a senior special Agent, Office of Investigations, U.S. Customs Service, El Paso, Texas where I have been stationed since November, 1991.

2. I had no involvement in any law enforcement activities concerning one or more of the Plaintiffs until approximately September of 1992. During September of 1992 I was assigned to coordinate and oversee a group of Special Agents assigned to surveillance of RASMARK JET CHARTER.

3. I was present at the U.S. Customs Service,, Office of Investigations on May 23, 1992, when Deborah RASMUSSON was interviewed.

4. I was at the Circle K store located at Montana and Hawkins Street when Senior Special Agent Frost met George Salas. I then followed Salas' vehicle to the Customs Office. There were not 15 to 20 Special Agents present and no Special Agent displayed their f irearms. In fact, the only weapon displayed was a .38 calibre revolver which Agent Frost took from Deborah RASMUSSON.

5. I sat with Deborah RASMUSSON's son, Ian MAYE,

during the course of the interview of his mother. I did not question Ian MAYE nor did I suggest that Mark RASMUSSON was planning to physically harm Deborah RASMUSSON. Ian MAYE made an unsolicited statement, "I have been telling my mother to get away from Mark because he is a crook". Ian MAYE stated that he was very afraid for his mother as he felt that Mark was trying to kill her.

6. Ian MAYE and Deborah RASMUSSON were not at any time in custody and were free to go at any time they wished. When Deborah RASMUSSON pulled the fire alarm, she was not detained, she immediately left the building.

7. As Ian MAYE left the Customs Office he stated that everything needed to send Mark RASMUSSON to prison was in the box carried by his mother. I reported this information to Agent Frost.

8. I accompanied Agent Frost to the Diamond Shamrock Station on the corner of Viscount and Acer, El Paso, Texas. Upon our arrival the door to the store was not locked.

9. Ian MAYE ran from the store and returned with the subject box. Apparently, he or his mother had hidden the box behind a nearby rock wall.

10. When Agent Frost advised KAYE and RASMUSSON that the box was to be seized, Ian MAYE became assaultive, attempting to strike Agent Frost. I restrained MAYE, even though he was restrained, MAYE continued to attempt to assault Agents. Eventually, Agent Frost placed handcuffs on MAYE for his own safety. Ian MAYE was never "grabbed by the neck and thrown to the ground".

11. The box was taken into custody and kept secure until a search warrant was obtained.

12. I never heard anyone present on the night of this incident state, "this never happened".

13. I was present at the Ysleta Port of Entry, El Paso, Texas on

November 10, 1992, on the occasion when Customs Inspectors seized Deborah RASMUSSONs vehicle.

14. The vehicle was seized by Customs Inspectors due to the fact that when RASMUSSON entered the United States the vehicle contained a switch blade knife and a small amount of marijuana.

15. I was present when Agent Frost conducted a Border Search of the vehicle. During this incident I did not search Deborah RASMUSSON, nor did I see anyone else search Deborah RASMUSSON. I did not, nor did I see anyone else, attempt to get Deborah RASMUSSON to sign any documents which ceded ownership of her vehicle to the U.S. Government.

16. I did not "fabricate" the finding of .1 gram of marijuana in the RASMUSSON vehicle. Senior Special Agent Schroeder was not present at the time of this incident.

17. I was never a case agent in any matter involving the Plaintiffs nor was I ever officially assigned to the Financial Task Force. I was not a member of, nor am I aware of, any conspiracy against the Plaintiffs in this case.

18. I did not do any "background checks" on the Plaintiffs while I was assigned to the mentioned surveillance detail. Investigation of past conduct of persons who are under investigation is generally conducted by the case agent, in my experience.

19. During my short involvement in this case, I never requested any "document analysis" of any kind, due to the fact that I never seized any documentary evidence. Additionally, these types of decisions and requests would be the responsibility of the case agent.

20. During the surveillance operation for which I was the coordinator I never, nor did I ever direct anyone else to stop nor search any vehicle, aircraft nor person. I did not at any time enter the premises of RASMARK JET CHARTER other than under authority of a lawfully issued search warrant.

21. I have never entered the RASMUSSON residence nor the curtilage of the RASMUSSON residence.

22. In their complaint the Plaintiffs have stated that there were times that no activities were observed by myself nor other members of the surveillance team. In my experience this is true of all surveillances, it is not uncommon to observe for long periods of time without seeing anything unusual.

23. In their complaint the Plaintiffs state that no evidence of criminal activity was developed during surveillance. In my experience, it would be very unusual to be maintaining surveillance for intelligence purposes and just happen to see the subject of the surveillance openly commit a felony. In the type of surveillance conducted in this investigation, intelligence as to the habits of the subjects and their associates is a part of a much larger investigation.

24. I was present as a witness when Agent Frost interviewed Gail BEACH. In his Report of Investigation detailing what BEACH said, Agent Frost reported the interview accurately.

25. I took no steps to verify what BEACH said as I was not assigned to this task.

26. I have no information regarding the search of a RASMARK aircraft at Love Field in Dallas, Texas.

27. I have never had any contact with any bank officers nor employees regarding the Plaintiffs.

28. I have never been a part of, nor am I aware, of any "bogus" or "sham" investigation.

29. I have never been a part of any conspiracy against anyone, specifically including the Plaintiffs.

30. I have never been a part of nor have I ever been aware of any cover-up.

31. All of my actions during the investigation of the Plaintiffs were done in good faith and within the scope of my federal employment.

32. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge of April, 1997.

April 2, 1997
Date

/s/ Eric E. Mills
Senior special Agent
Office of Investigations
U.S. Custom Service

DECLARATION OF JOE L. ACOSTA

"I, Joe L. Acosta do hereby declare and states as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), and have been so employed since September 23, 1990. From January of 1992, I have been assigned to the El Paso Division of the FBI.

2. I am aware that Plaintiff Mark Rasmusson was a subject of a criminal investigation by a Task Force of Federal and State law enforcement Agents, including the FBI, the U.S. Customs Service (USCS), the El Paso Police Department (EPPD), and the El Paso County Sheriff's Department. The investigation was certified as an Organized Crime/Drug Enforcement Task Force case on July 24, 1992 with USCS as the lead agency.

3. In March of 1992, I was assigned by my squad supervisor to serve as the sole FBI representative to the Task Force. The FBI was to coordinate and organize the financial information, relating to possible bank fraud violations, into a prosecutive package. Also, the FBI was to provide technical assistance. During the course of the investigation, I had only minimal involvement in the case.

4. I have read the Plaintiffs' Original Petition, First Amended Original Petition, and Second Amended Original Petition, and the allegations contained therein. I was able to determine that only four of the allegations in the Petitions concern investigative activities in which I participated.

5. The first allegation is found in the Plaintiffs' Original Petition (p. 32, para.104). The Plaintiffs state that on or about November 22, 1993, a search was conducted of the Rasmusson's residence located at 11157 Leo Collins, El Paso, Texas. The Plaintiffs allege that the affidavit drafted by USCS Agent Lawrence Frost for the search warrant for the Rasmusson residence, contained information provided by an FBI source (FBI-1) that was unreliable (P.40, para. (90)

(b) - Second Amended Original Amended Petition).

6. This allegation concerning the unreliability of the source is false. The source furnishing information to me had been an FBI source for over a year, and during that time provided information concerning the Rasmussons which was corroborated. The source was in a unique position to possess specific information concerning the Rasmussons and their residence. The source furnished the information as a civic responsibility and never received any payment. The search of the Rasmusson's residence located evidence which the source had indicated would be present.

7. I did not assist USCS Agent Frost in the preparation of the search warrant affidavit for the Rasmusson residence. I merely provided information contemporaneously furnished by the source which contributed to the totality of the facts establishing probable cause. During the execution of the warrant, my assignment was to videotape the search location before and after the search. I did not seize any evidence.

8. The second allegation which concerns my involvement is discussed on p.27, para.81 of the Plaintiffs' Original Petition. The Plaintiffs state that a Rasmark aircraft was being returned to its hangar at the El Paso International Airport on June 1, 1993, when two cars of FBI Agents followed the plane. When the plane stopped, the Agents attempted to question a Rasmark employee and he refused to talk. The Agents then interviewed the pilot. The Plaintiffs intimated that the stop and questioning of the Rasmark employees was indicative of the harassment of the Rasmussons by the Defendants.

9. The facts are that on June 1, 1993, USCS Agent Frost, one other USCS Agent Fred Schroeder, EPPD James Holland, and I drove to the Rasmark hangar. As a Rasmark plane was being taxied to a stop, Agent Frost approached the aircraft's pilot and asked if he would consent to an interview. Agent Frost wanted to interview the pilot to determine his knowledge of the activities of the Rasmark operation. I did not participate in the interview.

10. The third allegation which concerns my involvement in the Task Force investigation of the Rasmussons, is found at pages 35 & 36, paragraphs 79 & 80 of the Plaintiffs' Second Amended Original Petition. The Plaintiffs state therein that USCS Agents made arrangements, on or about June 2, 1993, to interview Plaintiff Andrew A. Gantkessy, a traffic manager for the Ford Motor Company. It is alleged by the Plaintiffs that 5 to 15 Agents subsequently confronted Gantkessy, did not read him his Miranda rights, interrogated him, refused to allow him to call his attorney, and kept him from leaving the conference room. This interrogation supposedly caused him to become so ill that he was forced to see his doctor for treatment.

11. The facts are that on June 22, 1993, Task Force Agents interviewed Gantkessy in his own office. The Agents had previously made an appointment with him to conduct the interview, in order to determine his involvement with Plaintiff Deborah L. Rasmusson. The interview was conducted by approximately 6 to 7 members of the Task Force. There were more officers present than would usually be necessary to conduct an interview because the members represented various agencies with different, individual interests in potential money laundering violations. Gantkessy was not read or advised of his constitutional rights at the start of the interview because he was not in custody at the time of the interview, and there were never any plans to arrest Gantkessy. I was present during the interview, however, I do not recall asking any questions of Gantkessy. I never heard Gantkessy ask for an attorney, nor do I recall that her ever asked to leave his office.

12. A day or two after the June 22nd interview, Gantkessy was asked to appear at the USCS Office to clarify some points from his previous interview. At that time USCS Agent Fred J. Schroeder and I spoke with Gantkessy, and he furnished us with a short statement in which he also agreed to co-operate with the Task Force and furnish information about the Rasmusson's operations. At no time during the interview did Gantkessy give any indications that he was suffering any ill effects from the June 22nd interview, nor did he look sick.

13. The final allegation which might imply FBI involvement, concerns a statement by the Plaintiffs about a "raid" by Agents on the

Ford Motor Company world headquarters in Dearborn, Michigan, on or around November 1, 1993. The Plaintiffs state that the Agents (agency unspecified) seized all records pertaining to Ford's business relating with Rasmark, and that the raid was made without probable cause.

14. I am not aware of any such raid or seizure. I am not aware that any such event occurred under FBI direction. It is also unlikely that another agency would have conducted such activity in this investigation without my having been made aware. However, at the end of October, 1992, I did contact the Detroit FBI Office and request that an administrative subpoena be issued at the Ford Headquarters for Rasmark business documents. The Detroit Office did in fact obtain an administrative subpoena, which was served upon the appropriate Ford Custodian of Records, who subsequently compiled the records and furnished them to the FBI. I was not present when the administrative subpoena was either mailed to, or served upon, the Ford Headquarters by Detroit FBI Agent(s).

15. I believe that the above allegations are the only ones which mention or concern myself and/or the FBI. As I have indicated, the allegations are not true.

16. I hereby state that all of the investigative functions performed by me in the Rasmusson Task Force case, functions of my official duty and were performed in the scope of my employment as an FBI Agent.

17. I was not a participant in any investigative activity during the Rasmusson investigation which was improper or inappropriate. I am also not aware of any action taken by any other law enforcement agency or officer during the Rasmusson investigation, which was either improper or inappropriate.

I swear under penalty of perjury that the foregoing Declaration is true and correct to the best of my knowledge and belief."
SIGNED this the 31st day of July, 1996.

/s/ Joe L. Acosta
Special Agent, El Paso FBI

DECLARATION OF JOE L. ACOSTA

"I, Joe L. Acosta do hereby declare and states as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), and have been so employed since September 23, 1990. From January of 1992, I have been assigned to the El Paso Division of the FBI.

2. I am aware that Plaintiff Mark Rasmusson was a subject of a criminal investigation by a Task Force of Federal and State law enforcement Agents, including the FBI, the U.S. Customs Service (USCS), the El Paso Police Department (EPPD), and the El Paso County Sheriff's Department. The investigation was certified as an Organized Crime/Drug Enforcement Task Force case on July 24, 1992 with USCS as the lead agency.

3. In March of 1992, I was assigned by my squad supervisor to serve as the sole FBI representative to the Task Force. The FBI was to coordinate and organize the financial information, relating to possible bank fraud violations, into a prosecutive package. Also, the FBI was to provide technical assistance. During the course of the investigation, I had only minimal involvement in the case.

4. I have read the Plaintiffs' Third Amended Petition, and the allegations contained therein.

5. The Plaintiffs' state that on or about November 22, 1993, a search was conducted of the Rasmusson's residence located at 11157 Leo Collins, El Paso, Texas. The Plaintiffs allege that the affidavit drafted by USCS Agent Lawrence Frost for the search warrant for the Rasmusson residence, contained information provided by two FBI sources that was unreliable.

6. This allegation concerning the unreliability of the sources are false. The source that furnished information to me had been an FBI source for over a year, and during that time provided information

concerning the Rasmussons which was corroborated. The source was in a unique position to possess specific information concerning the Rasmussons and their residence. The source furnished the information as a civic responsibility and never received any payment. The search of the Rasmusson's residence located evidence which the source had indicated would be present. The second source provided information to SA William J. May who provided it to me. SA May indicated to me that his source was very reliable.

7. I did not assist USCS Agent Frost in the preparation of the search warrant affidavit for the Rasmusson residence. I merely provided information contemporaneously furnished by the source which contributed to the totality of the facts establishing probable cause. During the execution of the warrant, my assignment was to videotape the search location before and after the search. I did not seize any evidence.

8. The Plaintiffs state that a Rasmark aircraft was being returned to its hangar at the El Paso International Airport on June 1, 1993, when two cars of FBI Agents followed the plane. When the plane stopped, the Agents attempted to question a Rasmark employee and he refused to talk. The Agents then interviewed the pilot. The Plaintiffs intimated that the stop and questioning of the Rasmark employees was indicative of the harassment of the Rasmussons by the Defendants.

9. The facts are that on June 1, 1993, USCS Agent Frost, one other USCS Agent Fred Schroeder, EPPD James Holland, and I drove to the Rasmark hangar. As a Rasmark plane was being taxied to a stop, Agent Frost approached the aircraft's pilot and asked if he would consent to an interview. Agent Frost wanted to interview the pilot to determine his knowledge of the activities of the Rasmark operation. I did not participate in the interview.

10. The Plaintiff's state USCS Agents made arrangements, on or about June 2, 1993, to interview Plaintiff Andrew A. Gantkessy, a traffic manager for the Ford Motor Company. It is alleged by the Plaintiffs that 5 to 15 Agents subsequently confronted Gantkessy, did not read him his Miranda rights, interrogated him, refused to allow him

to call his attorney, and kept him from leaving the conference room. This interrogation supposedly caused him to become so ill that he was forced to see his doctor for treatment.

11. The facts are that on June 22, 1993, Task Force Agents interviewed Gantkessy in his own office. The Agents had previously made an appointment with him to conduct the interview, in order to determine his involvement with Plaintiff Deborah L. Rasmusson. The interview was conducted by approximately 6 to 7 members of the Task Force. There were more officers present than would usually be necessary to conduct an interview because the members represented various agencies with different, individual interests in potential money laundering violations. Gantkessy was not read or advised of his constitutional rights at the start of the interview because he was not in custody at the time of the interview, and there were never any plans to arrest Gantkessy. I was present during the interview, however, I do not recall asking any questions of Gantkessy. I never heard Gantkessy ask for an attorney, nor do I recall that her ever asked to leave his office.

12. A day or two after the June 22nd interview, Gantkessy was asked to appear at the USCS Office to clarify some points from his previous interview. At that time USCS Agent Fred J. Schroeder and I spoke with Gantkessy, and he furnished us with a short statement in which he also agreed to co-operate with the Task Force and furnish information about the Rasmusson's operations. At no time during the interview did Gantkessy give any indications that he was suffering any ill effects from the June 22nd interview, nor did he look sick.

13. Plaintiffs' final allegation which might imply FBI involvement, concerns a statement by the Plaintiffs about a "raid" by Agents on the Ford Motor Company world headquarters in Dearborn, Michigan, on or around November 1, 1993. The Plaintiffs state that the Agents (agency unspecified) seized all records pertaining to Ford's business relating with Rasmark, and that the raid was made without probable cause.

14. I am not aware of any such raid or seizure. I am not aware that any such event occurred under FBI direction. It is also unlikely that

another agency would have conducted such activity in this investigation without my having been made aware. However, at the end of October, 1992, I did contact the Detroit FBI Office and request that an administrative subpoena be issued at the Ford Headquarters for Rasmark business documents. The Detroit Office did in fact obtain an administrative subpoena, which was served upon the appropriate Ford Custodian of Records, who subsequently compiled the records and furnished them to the FBI. I was not present when the administrative subpoena was either mailed to, or served upon, the Ford Headquarters by Detroit FBI Agents.

15. I believe that the above allegations are the only ones which mention or concern myself and/or the FBI. As I have indicated, the allegations are not true.

16. I hereby state that all of the investigative functions performed by me in the Rasmusson Task Force case, including the actions complained of by the Plaintiffs, were functions of my official duty and were performed in the scope of my employment as an FBI Agent.

17. I was not a participant in any investigative activity during the Rasmusson investigation which was improper or inappropriate. I am also not aware of any action taken by any other law enforcement agency or officer during the Rasmusson investigation, which was either improper or inappropriate.

I swear under penalty of perjury that the foregoing Declaration is true and correct to the best of my knowledge and belief."

SIGNED this the 2nd day of April, 1997.

/s/ Joe L. Acosta
Special Agent, El Paso FBI

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION
	)	NO. EP-95-CA-475-F
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF DONALD L. REAY

1. I, Donald L. Reay, was an Assistant Special Agent in Charge with the United States Customs Service, El Paso, Texas, before I retired in June 1996. I have been a Federal employee for over 25 years, having served in the Border Patrol, Drug Enforcement Administration, and United States Customs. I was an Assistant Special Agent in Charge (ASAC) in El Paso for approximately six years. From July 1990 to July 1992, I served as the ASAC for El Paso Operations. From approximately July 1992 until June 1993, I served as the ASAC for Field Operations. From Approximately June 1993 until January 1994, I served as the ASAC for El Paso operations and from January 1994 to my retirement in June 1996, I served as the ASAC for Field Operations.

2. Plaintiffs' allegations that Special Agent Michael Lappe and I illegally moved funds from certain undercover operations to fund the Rasmark investigation is false. It is not true that funds cannot be taken from one operation to support another. Funds can be used from one operation to support another if the operations are similar in scope. In fact, the Rasmark case was adopted under Ops Transwestern because it was an "air transport" initiative and Rasmark is an air transport company. The assumption of EP02CROEP013 is reported in ORs Transwestern monthly reports. It is also noted the Ops Transwestern is now closed and has undergone a Management Inspection Division audit,

as well as internal audits as required. No wrongdoing was found.

3. Plaintiffs allege that sometime in August 1992, Special Agents Lappe and Reay stole funds from certified undercover operation(s) known as Red Chile, and/or Ops Transwest2rn, and/or Cavern, and/or Aruba respectively and used the stolen funds to frame a covert operation against the Plaintiffs. I have reviewed the records of Red Chile, which is also closed and the records have been audited by the Management Inspection Division, as well as internal audits as required, and the audits revealed no wrongdoing. No Red Chile money was used in the support of the Rasmark investigation. I requested a review to be done of the Ops Transwestern books and have found that less than $2000.00 of 0ps Transwestgrn money was used in per diem expenses and was reported in the books that have since been audited. The monthly report for September 1992 denotes the adoption of case EP02CROEP013 into Ops Transwestern and the payment of surveillance expenses, (per diem included). This was a proper expenditure of funds. As to Cavern and Aruba, I have no knowledge of any monies being spent in the investigation of Rasmark, as those operations are not under the control of the Special Agent in Charge, El Paso. I did not make the decision to use Ops Transwestern money for part of the surveillance, however, in review, I believe the action to be proper and consistent with United States Customs Service policy.

4. On or about May 23, 1992, I was present at the Customs Service office at 9400 Viscount Blvd., El Paso, Texas, when Deborah Rasmusson was being interviewed, but I did not sit in on the interview. I was working in another office within the building. However, during the course of the interview, I heard Deborah Rasmusson became belligerent and abusive. On the way out, she set off the building's fire alarm.

5. To the best of my knowledge, I have never been investigated by the Office of Inspector General (OIG). I know Mr. Lappe was investigated, and he received a clearance letter exonerating him of all the allegations of wrongdoing.

6. I was neither involved in nor do I have any personal

knowledge of the remaining allegations contained in the Plaintiffs' Second Amended Petition.

7. I declare under penalty of perjury that the foregoing statements are true and correct. Executed on this 30th day of July 1996.

/s/ Donald L. Reay
Assistant Special Agent
in Charge (Retired)
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION
	)	NO. EP-95-CA-475-F
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF' DONALD L. REAY

1. I, Donald L. Reay, was an Assistant Special Agent in charge with the United States Customs Service, El Paso, Texas, before I retired in June 1996. 1 had been a Federal employee for over 25 years, having served in the Border Patrol, Drug Enforcement Administration, and United States Customs. I was an Assistant Special Agent in Charge (ASAC) in El Paso for approximately six years. From July 1990 to July 1992, 1 served as the ASAC for El Paso Operations. From approximately July 1992 until June 1993, I served as the ASAC for Field Operations. From Approximately June 1993 until January 1994, I served as the ASAC for El Paso Operations and from January 1994 to my retirement in June 1996, I served as the ASAC for Field Operations.

2. The function o f the Financial Task Force was the investigation of suspected money laundering operations that had a nexus with the El Paso, Texas area, and was composed of members of participating local, state, and federal law enforcement entities. The creation of the Task Force had absolutely nothing to do with continuing any investigation of the Plaintiffs.

3. I have no knowledge that any false complaints were made to the FAA, Ford Motor Company, by Senior Special Agent Frost to be incorporated in his affidavits in support of search warrants filed on or

about November 19, 1993, or the Chrysler Corporation and Ford Motor Company employees, and Rasmark's prospective customers.

4. I have no knowledge of any false information given to anyone by any of the agents who participated in the Financial Task Force investigations.

5. I have no direct knowledge of the allegations concerning El Paso Police Officer George L. Salas, other than that he was present on the night of the interview of Mrs. Rasmusson at the Customs Service Office at 9400 Viscount Blvd., El Paso, Texas on may 23, 1992.. Mr. Salas was absolutely not a participant in the Financial Task Force.

6. On or about May 23, 1992, I was present at the Customs Service office at 9400 Viscount Blvd., El Paso, Texas, when Deborah Rasmusson was being interviewed, but I did not sit in on the interview. I was working in another office within the building. However, during the course of the interview, I heard Deborah Rasmusson became belligerent and abusive. On the way out, she set off the building's fire alarm.

7. I did not accompany Deborah Rasmusson or Ian Maye into the Customs Service office building and have no personal knowledge of the events that occurred at that time.

8. I remained in the office building to try to deactivate the fire alarm, as an emergency response to the false alarm would place the Firemen and the citizens of El Paso at risk needlessly. I have no personal knowledge of what transpired after Deborah Rasmusson and her son left the building and then proceeded to the nearby Diamond-Shamrock convenience store. I subsequently accompanied Group Supervisor Michael Wilczewski to the Diamond Shamrock store where Deborah Rasmusson and her son were awaiting their ride and the Special Agents present were directed to return to the office.

9. I have no knowledge that state National Bank officers were informed that Rasmark was a mere front corporation for money laundering and that Mark Rasmusson was a known major cocaine

dealer.

10. To the best of my knowledge, I have never been investigated by the Office of Inspector General (OIG). I know Mr. Lappe was investigated, and he received a clearance letter exonerating him of all the allegations of wrongdoing.

11. I have no personal knowledge of any discussions between Andrew Gantkessy and Ford Motor Company officials.

12. I had no personal involvement in the execution of the search warrants on November 22, 1993.

13. To my knowledge, the affidavits supporting the applications for the search warrants on the Rasmusson residence and the business of Rasmark were prepared accurately and truthfully. I have no reason to believe that the information provided by informants was not reliable or accurate, or that documents specified in the affidavit concerning the residence were obtained by covert entry into the residence and not from the trash. I have absolutely no knowledge of any bogus or sham investigations of any of the Plaintiffs.

14. I have no personal knowledge of any Financial Task Force agent interfering with negotiations between Rasmark and Ford motor Company or interfering in any other business relationships between Rasmark and Ford Motor Company.

15. I never received any complaints regarding any refusal to return Rasmark essential records, and I know that every effort was made to cause minimal disruption to the Rasmark business.

16. I have no personal knowledge of any allegations relating to an incident involving Mrs. Rasmusson at the El Paso Police Department Narcotics Division Headquarters on or about December 26, 1993, or an attack upon Mrs. Rasmusson and her son at a stoplight on or about January 1994, or a meeting by El Paso Police Department Detectives with school officials on or about March 1994, or an altercation involving El Paso Police Department Officers at Mrs.

Rasmusson's residence during a birthday party for her son on or about December 12, 1994.

17. I have no knowledge of any conspiracy in persuading Texas Commerce Bank to refuse to open an account or loan money to Rasmark based on giving false information to the bank on or about December 7, 1994.

18. I have no direct knowledge of the alleged seizure of Mrs. Rasmusson's car(s) on at least five separate occasions during or about 1995, or the arrests and prosecutions of Mrs. Rasmusson on or about August 8, 1993, December 1993, March 1995, June 1995, and November 1995.

19. Prior to my deposition, I never heard of the complaint letters to the Congressional representatives, Mr. Mack's response to the letters, or,of a group of pilots with complaints.

20. I do not know of any false information that was provided to any OCDETF committee, any company, any individual, or any member of the Judiciary in any matter involved with the investigation of the Plaintiffs. I have never asked nor have I allowed any employee to perjure themselves under any circumstances. I have never heard of anyone making any allegation of corruption that was met with contempt.

21. I was never advised by any agent of any of the agencies participating in the Financial Task Force that there were any problems with the investigation of the Plaintiffs.

22. I have no knowledge of any informant or informant or information regarding the Plaintiffs as being unreliable.

23. I have never participated in or heard of any conspiracy by anyone to violate any constitutional right of any of the Plaintiffs, or anyone else, nor have I ever participated in or heard of any plan to shut down Rasmark. I have no knowledge of any cover up of anything regarding the Plaintiffs.

24. I was not at the Port of Entry on November 10, 1992, when Mrs. Rasmusson and her vehicle were the subjects of a border search.

25. I have never participated in nor have I ever heard of the development of any tactic or strategy as described in the Plaintiff's plan A, plan B, or plan C. The Financial Task Force did not have the drugs or money to furnish anyone, nor was there ever any plan to get any drugs or money to furnish any of the Plaintiffs.

26. All of my actions during the investigation of the Plaintiffs were done in good faith and within the course and scope of my federal employment. I deny that I did anything illegal and further, I have no personal knowledge of anyone else committing any illegal acts during the investigation.

27. I declare under penalty of perjury that the foregoing statements are true and correct. Executed on this 30 day of April 1997.

/s/ Donald L. Reay
Assistant Special Agent
in Charge (Retired)
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF MICHAEL WILCZEWSKI

1. I, Michael Wilczewski, am currently a Group supervisor, office of Investigations, U.S. Customs Service, and have held this position in El Paso, Texas since 1989.

2. In approximately February 1992, 1 was reassigned from my former position as the Fraud Group Supervisor to that of Currency Group Supervisor, Office of Investigations, El Paso, Texas.

3. In March 1992, a Financial Task Force was established under my supervision as the Currency Group Supervisor, with Senior Special Agent Lawrence E. Frost being assigned an the Lead Agent for the Task Force.

4. The function of the newly created Task Force was the investigation of suspected money laundering operations that had a nexus with the El Paso, Texas area, and was composed of members of participating local, state, and federal law enforcement entities.

5. My supervision of the Financial Task Force, and of Senior Special Agent Frost, consisted of attending regularly scheduled meetings and conferences; routinely reviewing all interim or significant

incident reports; discussing with Senior Special Agent Frost all proposed law enforcement activities, such as the proposed issuance of warrants and the direction of the overall investigations pending in the Task Force Office, and frequently being physically present to observe the activities of law enforcement actions in connection with such investigations.

6. I continued as the Currency Group Supervisor and as the supervisor of Senior Special Agent Frost until April 1994, when I was assigned to develop and implement an Intelligence Unit. I had no responsibilities or duties with the Financial Task Force after that time.

7. I have no knowledge that any false complaints were made to the FAA, Ford Motor Company, by Senior Special Agent Frost to be incorporated in his affidavits in support of search warrants filed on or about November 19, 1993, or the Chrysler Corporation and Ford Motor Company employees, and Rasmark's prospective customers. I personally reviewed the Reports of Investigation associated with the interview of Mr. Hines by Senior Special Agent Schroeder and Detective Holland and found it to be in accordance with policy and procedure.

8. I have no information that Beach, Hines, or Short gave false information to the Ford Motor Company investigators or that Mr. Sudomir gave false information to the Ford Motor Company and Senior Special Agent Frost for use in affidavits supporting the search warrants dated on or about November 19, 1993. My review of the investigative report does not reflect any statement by Mr. Sudomir in support of said warrants.

9. I have no direct knowledge of the allegations concerning El Paso Police Officer George L. Salas, other than that he was present on the night of the interview of Mrs. Rasmusson at the Customs Service Office at 9400 Viscount Blvd., El Paso, Texas.

10. On or about May 24, 1992, I was present at the Customs Service Office at 9400 Viscount Blvd., El Paso, Texas when Deborah Rasmusson and Ian Maye arrived with a box of business records. I do

not recall the exact number of agents who were at the Customs Service Office on that date, but I do not believe there were more than five Special Agents, myself, and Assistant Special Agent in Charge,, Donald Reay. I had to call out two additional Special Agents to observe and report activities at the business premises in case Special Agent Frost obtained a consent to search or possible evidence was going to be removed or destroyed. When it was determined that a Consent to Search was not going to be given, one of the Special Agents was released to go home, and the other, Senior Special Agent Schroeder, was asked to report to the office.

11. I did not accompany Deborah Rasmusson or Ian Maye into the Customs Service office building and have no personal knowledge of the events that occurred at that time. However, I was subsequently present for a short time when Senior Special Agent Frost asked Deborah Rasmusson if she would sign a Consent to Search for her business and residence. She was hesitant about signing the consent form and I asked Senior Special Agent Frost to step into the hall, where I told him that if Deborah Rasmusson no longer wished to cooperate in the investigation, then we should just conclude the interview and that she may later change her mind. I subsequently went back into the interview room and advised Deborah Rasmusson that the interview was over and that she could return if she decided to cooperate. I then instructed Senior Special Agent Frost to escort Deborah Rasmusson and her son, Ian Maye out of the building.

12. I remained in the office building to call the Fire Department concerning the false alarm and have no personal knowledge of what transpired after Deborah Rasmusson and her son left the building and then proceeded to the nearby Diamond Shamrock convenience store. I subsequently accompanied Assistant Special Agent in Charge Donald Reay to the Diamond Shamrock store where Deborah Rasmusson and her son were awaiting their ride and the Special Agents present were directed to return to the office.

13. I have no knowledge that State National Bank officers were informed that Rasmark was a mere front corporation for money laundering and that Mark Rasmusson was a known major cocaine

dealer.

14. I have no direct knowledge of any investigation of Special Agent in Charge Michael Lappe by the office of the Inspector General, Department of the Treasury, or of any false affidavits or perjured testimony by SAC Lappe. I was never interviewed by office of the Inspector General Investigators with respect to any such investigation.

15. I have no personal knowledge of any discussions between Andrew Gantkessy and Ford Motor Company officials.

16. on November 22, 1993, I was present during the execution of a judicially approved search warrant of the residence of Mark and Deborah Rasmusson and then left to go to the business office of Rasmark Jet Charter, Inc., where the judicially approved search had already begun. These were not "raids" or forced entry searches, but were conducted in a professional and business-like manner, in accordance with customs policies and procedures.

17. During the search at the Rasmark business office, I told one of the clerical personnel of Rasmark that she could make copies of important documents while the search was being done, in order to maintain business operations. As the search of the premises was conducted, she made numerous copies of records she deemed necessary toward this end. In addition, I was advised that a copy of their computer system was obtained and the computer system, to my knowledge, was left in its original state and fully operational. I have no knowledge of any law enforcement officers conducting the search losing any of Rasmark's records or of any gun collection being found or removed from either the residence or business office location.

18. To my knowledge, the affidavits supporting the applications for the search warrants on the Rasmusson residence and the business of Rasmark were prepared accurately and truthfully. I have no reason to believe that the information provided by informants was not reliable or accurate, or that documents specified in the affidavit concerning the residence were obtained by covert entry into the

residence and not from the trash.

19. I have no personal knowledge of any Financial Task Force agent interfering with negotiations between Rasmark and Ford Motor Company or interfering in any other business relationships between Rasmark and Ford Motor Company.

20. I never received any complaints regarding any refusal to return Rasmark essential records, and I know that every effort was made to cause minimal disruption to the Rasmark business.

21. I have no personal knowledge of any allegations relating to an incident involving Mrs. Rasmusson at the El Paso Police Department Narcotics Division Headquarters on or about December 26, 1993, or an attack upon Mrs. Rasmusson and her son at a stoplight on or about January 1994, or a meeting by El Paso Police Department Detectives with school officials on or about March 1994, or an altercation involving El Paso Police Department Officers at Mrs. Rasmusson's residence during a birthday party for her son on or about December 12, 1994.

22. I have no knowledge of any conspiracy in persuading Texas Commerce Bank to refuse to open an account or loan money to Rasmark based on giving false information to the bank on or about December 7, 1994. I was no longer the Currency Group Supervisor or the supervisor of Senior Special Agent Frost at that time.

23. I have no direct knowledge of the seizure of Mrs. Rasmusson's car(s) on at least five separate occasions during or about 1995, or the arrests and prosecutions of Mrs. Rasmusson on or about August 8, 1993, December 1993, March 1995, June 1995, and November 1995.

24. I was neither involved in nor do I have any personal knowledge of the remaining allegations contained in the Plaintiffs Second Amended Petition.

25. I declare under penalty of perjury that the foregoing

statements are true and correct to the best of my knowledge.
Executed on the 30th day of July, 1996.

/s/ Michael J. Wilczewski
Office of Investigations
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
v.	)	CIVIL ACTION NO.
LAWRENCE E. FROST, ET AL.,	)	EP-95-CA-475-F
	)	
Defendants.	)	

DECLARATION OF MICHAEL WILCZEWSKI

1. I, Michael Wilczewski, an currently a Group supervisor, office of Investigations, U.S. Customs Service, and have held this position in El Paso, Texas since 1989.

2. In approximately February 1992, 1 was reassigned from my former position as the Fraud Group Supervisor to that of Currency Group Supervisor, Office of Investigations, El Paso, Texas.

3. In March 1992, a Financial Task Force was established under my supervision as the Currency Group Supervisor, with Senior Special Agent Lawrence E. Frost being assigned an the Lead Agent for the Task Force.

4. The function of the newly created Task Force was the investigation of suspected money laundering operations that had a nexus with the El Paso, Texas area, and was composed of members of participating local, state, and federal law enforcement entities. The creation of the Task Force had absolutely nothing to do with continuing any investigation of the Plaintiffs.

5. My supervision of the Financial Task Force, and of Senior Special Agent Frost, consisted of attending regularly scheduled meetings and conferences; routinely reviewing all interim or significant

incident reports; discussing with Senior Special Agent Frost all proposed law enforcement activities, such as the proposed issuance of warrants and the direction of the overall investigations pending in the Task Force Office, and frequently being physically present to observe the activities of law enforcement actions in connection with such investigations.

6. I continued as the Currency Group Supervisor and as the supervisor of Senior Special Agent Frost until April 1994, when I was assigned to develop and implement an Intelligence Unit. I had no responsibilities or duties with the Financial Task Force after that time.

7. 1 have no knowledge that any false complaints were made to the FAA, Ford Motor Company,, by Senior Special Agent Frost to be incorporated in his affidavits in support of search warrants filed on or about November 19, 1993, or the Chrysler Corporation and Ford Motor Company employees, and Rasmark's prospective customers. I personally reviewed the Reports of investigation associated with the interview of Mr. Hines by Senior Special Agent Schroeder and Detective Holland and found it to be in accordance with policy and procedure.

8. I have no information that Beach, Hines, or Short gave false information to the Ford Motor Company investigators or that Mr. Sudomir gave false information to the Ford Motor Company and Senior Special Agent Frost for use in affidavits supporting the search warrants dated on or about November 19, 1993. My review of the investigative report does not reflect any statement by Mr. Sudomir in support of said warrants.

9. I have no direct knowledge of the allegations concerning El Paso Police Officer George L. Salas, other than that he was present on the night of the interview of Mrs. Rasmusson at the Customs Service Office at 9400 Viscount Blvd., El Paso, Texas. Mr. Salas was absolutely not a participant in the Financial Task Force.

10. On or about May 24, 1992, I was present at the Customs Service Office at 9400 Viscount Blvd., El Paso, Texas when Deborah

Rasmusson and Ian Maye arrived with a box of business records. I do not recall the exact number of agents who were at the Customs Service Office on that date, but I do not believe there were more than five Special Agents, myself, and Assistant Special Agent in Charge,, Donald Reay. I had to call out two additional Special Agents to observe and report activities at the business premises in case Special Agent Frost obtained a consent to search or possible evidence was going to be removed or destroyed. When it was determined that a Consent to Search was not going to be given, one of the Special Agents was released to go home, and the other, Senior Special Agent Schroeder, was asked to report to the office.

11. I did not accompany Deborah Rasmusson or Ian Maye into the Customs Service office building and have no personal knowledge of the events that occurred at that time. However, I was subsequently present for a short time when Senior Special Agent Frost asked Deborah Rasmusson if she would sign a Consent to Search for her business and residence. She was hesitant about signing the consent form and I asked Senior Special Agent Frost to step into the hall, where I told him that if Deborah Rasmusson no longer wished to cooperate in the investigation, then we should just conclude the interview and that she may later change her mind. I subsequently went back into the interview room and advised Deborah Rasmusson that the interview was over and that she could return in the future if she changed her mind and desired to cooperate. I then instructed Senior Special Agent Frost to escort Deborah Rasmusson and her son, Ian Maye out of the building.

12. I remained in the office building to call the Fire Department concerning the false fire alarm, as an emergency response to the false alarm would place the Firemen and the citizens of El Paso at risk needlessly. I have no personal knowledge of what transpired after Deborah Rasmusson and her son left the building and then proceeded to the nearby Diamond Shamrock convenience store. I subsequently accompanied Assistant Special Agent in Charge Donald Reay to the Diamond Shamrock store where Deborah Rasmusson and her son were awaiting their ride and the Special Agents present were directed to return to the office.

13. I have no knowledge that State National Bank officers were informed that Rasmark was a mere front corporation for money laundering and that Mark Rasmusson was a known major cocaine dealer.

14. I have no direct knowledge of any investigation of Special Agent in Charge Michael Lappe by the office of the Inspector General, Department of the Treasury, or of any false affidavits or perjured testimony by SAC Lappe. I was never interviewed by office of the Inspector General Investigators with respect to any such investigation. These allegations involved a different office, and as Mr. Olson was in a different office, we rarely communicated.

15. I have no personal knowledge of any discussions between Andrew Gantkessy and Ford Motor Company officials.

16. on November 22, 1993, I was present during the execution of a judicially approved search warrant of the residence of Mark and Deborah Rasmusson and then left to go to the business office of Rasmark Jet Charter,, Inc., where the judicially approved search had already begun. These were not "raids" or forced entry searches, but were conducted in a professional and business-like manner, in accordance with customs policies and procedures. I cannot remember the exact number of agents involved, but it was nowhere near 100.

17. During the search at the Rasmark business office, I told one of the clerical personnel of Rasmark that she could make copies of important documents while the search was being done, in order to maintain business operations. As the search of the premises was conducted, she made numerous copies of records she deemed necessary toward this end. In addition, I was advised that a copy of their computer system was obtained and the computer system, to my knowledge, was left in its original state and fully operational. I have no knowledge of any law enforcement officers conducting the search losing any of Rasmark's records or of any gun collection being found or removed from either the residence or business office location.

18. To my knowledge, the affidavits supporting the

applications for the search warrants on the Rasmusson residence and the business of Rasmark were prepared accurately and truthfully. I have no reason to believe that the information provided by informants was not reliable or accurate, or that documents specified in the affidavit concerning the residence were obtained by covert entry into the residence and not from the trash. I have absolutely no knowledge of any bogus or sham investigations of any of the Plaintiffs.

19. I have no personal knowledge of any Financial Task Force agent interfering with negotiations between Rasmark and Ford Motor Company or interfering in any other business relationships between Rasmark and Ford Motor Company.

20. I never received any complaints regarding any refusal to return Rasmark essential records, and I know that every effort was made to cause minimal disruption to the Rasmark business.

21. I have no personal knowledge of any allegations relating to an incident involving Mrs. Rasmusson at the El Paso Police Department Narcotics Division Headquarters on or about December 26, 1993, or an attack upon Mrs. Rasmusson and her son at a stoplight on or about January 1994, or a meeting by El Paso Police Department Detectives with school officials on or about March 1994, or an altercation involving El Paso Police Department Officers at Mrs. Rasmusson's residence during a birthday party for her son on or about December 12, 1994.

22. I have no knowledge of any conspiracy in persuading Texas Commerce Bank to refuse to open an account or loan money to Rasmark based on giving false information to the bank on or about December 7, 1994. 1 was no longer the Currency Group Supervisor or the supervisor of Senior Special Agent Frost at that time.

23. I have no direct knowledge of the seizure of Mrs. Rasmusson's car(s) on at least five separate occasions during or about 1995, or the arrests and prosecutions of Mrs. Rasmusson on or about August 8, 1993, December 1993, March 1995, June 1995, and November 1995.

26. I never heard of the complaint letters to the Congressional representatives, Mr. Mack's response to the letters, or of a group of pilots with complaints.

27. I did not participate in any searches, nor did I authorize or give instructions to anyone else to conduct any searches on June 16, 1993. In my entire career with the United States Customs Service, I have never heard of an occasion where a Customs dog was flown in a Citation aircraft or other Customs aircraft.

28. I do not know of any false information that was provided to any OCDETF committee, any company, any individual, or any member of the Judiciary in any matter involved with the investigation of the Plaintiffs. I have never asked nor have I allowed any employee to perjure then elves under any circumstances. I have never heard of anyone making any allegation of corruption that was met with contempt.

29. I was never advised by any agent of any of the agencies participating in the Financial Task Force that there were any problems with the investigation of the Plaintiffs.

30. I have never heard of any informant or informant information regarding the Plaintiffs as being unreliable other than in this lawsuit.

31. I have no direct knowledge or involvement with any of the matters addressed in the Congressional investigation of Customs. There were no allegations that related to me in any way and I was not a fact witness in any allegation of someone else. The thrust of this investigation was not related to the El Paso Customs office or personnel. I was not given notice as to any of the events involved with this matter.

32. I cannot recall whether any information involving Rasmark was on an OCDETF application.

33. I know that Agents of the U.S. Customs Service are instructed not to make promises to confidential informants regarding

rewards.

34. I have never participated in or heard of any conspiracy by anyone to violate any constitutional right of any of the Plaintiffs nor have I ever participated in or heard of any plan to shut down Rasmark. I have no knowledge of any cover up of anything regarding the Plaintiffs.

35. I was not at the Port of Entry on November 10, 1992, when Mrs. Rassmusson and her vehicle were the subjects of a border search. I was telephonically advised of the events by SA Frost when he concluded his investigative activities.

36. I have never participated in nor have I ever heard of the development of any tactic or strategy as described in the Plaintiff's plan A. plan B, or plan C. The Financial Task Force did not have theldrugs, or money to furnish anyone, nor was there ever any plan to get any drugs or money to furnish any of the Plaintiffs.

37. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Executed on the 2nd day of April, 1997.

Michael J. Wilczewski
Office of Investigations
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK A. [sic] RASMUSSON, et al.,	§
	§
Plaintiffs,	§
v.	§
LAWRENCE E. FROST,	§
	§
Defendants.	§

AFFIDAVIT OF NEIL BAKER

1. My name is Neil Baker, I am over twenty-one years of age and competent to make this affidavit based on my personal knowledge, information, and belief. I have been served with a copy of the Complaint in the above entitled and numbered cause and this affidavit is given in connection with same.

2. I am a licensed peace officer in the state of Texas and am employed as a deputy sheriff with the El Paso County Sheriff's Department. I currently hold the rank of Detective. As part of my duties with the Sheriffs Department, I was temporar ily assigned to a federal task force which was conducting an investigation into illegal drug trafficking and money laundering. The task force was comprised mainly of federal law enforcement officers and I myself was cross deputized as a federal law enforcement officer, for the purposes of this investigation. Some of the targets of the investigation included Mark Rasmusson and Rasmark Jet Charter, Inc. The task force was headed by federal agents and it was these agents that directed the course of the investigation. My role within this task force was limited to retrieving trash at the El Paso Sanitation Department, conducting surveillance, and other minor investigative duties.

3. My participation in this investigation was within the

course and scope of my employment and constituted the performance of a discretionary function. At all times during this investigation, I acted in the good faith belief that my actions were in compliance with existing law. It is furt her my belief that the actions I took were consistent with the actions which a reasonably prudent peace officer would have taken in the same circumstances.

4. 1 did assist in the execution of a search warrant on the premises of Rasmark Enterprises Jn November of 1993. The search warrant, which was issued by a federal magistrate, was obtained by one of the federal officers assigned to this investigation. The warrant complied with all the legal requirements for the issuance of a search warrant, to the best of my knowledge. My participation in the execution of this warrant was the last act I performed in the investigation of the Rasmussons or Rasmark let Charter, Inc. At no time during my participation in this investigative effort did I ever engage in any conduct which was violative of the Plaintiffs' constitutional rights. Nor did I at any time observe any other officers, federal, state, or local, engage in any conduct which was violative of the Plaintiffs' rights. I did not conspire with any individuals to deprive any of the Plaintiffs in this lawsuit of their constitutional rights nor am I aware of any other individuals who may have entered into any similar type of conspiracy. It is my good faith belief that the investigation conducted against the Plaintiffs was a legally valid investigation.

/s/ NEIL BAKER

STATE OF TEXAS §
COUNTY OF EL PASO §

SUBSCRIBED AND SWORN TO before me on this the 17th day of June, 1996.

/s/ PATRICIA QUINTANILLA
Notary Public in and for the
State of Texas
Comm. Exp. 8-25-96

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK A. RASMUSSON, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	Cause No.
	§	EP-95-CA-475F
LAWRENCE E. FROST, et al.,	§	
	§	
Defendants.	§	

AFFIDAVIT OF JERRY KEITH

1. My name, is Jerry Keith, I am over twenty-one years of age and competent to make this affidavit based on my personal knowledge, information, and belief. I have been served with a copy of the Complaint in the above entitled and numbered cause and this affidavit is given in connection with same.

2. I am a retired employee of the E Paso County Sheriffs Department. During my employment with the Sheriff s Department, I was a licensed peace officer in the state of Texas and I retired with the rank of Detective. As part of my duties with the Sheriff s Department, I was temporarily assigned to a federal task force which was conducting an investigation into illegal drug trafficking and money laundering. The task force was comprised mainly of federal law enforcement officers and I myself was cross deputized as a federal law enforcement officer, for the purposes of this investigation. Some of the targets of the investigation included Mark Rasmusson and Rasmark Jet Charter, Inc. The task force was headed by federal agents and it was these agents that directed the course of the investigation. My role within this task force was limited to retrieving trash at the El Paso Sanitation Department, conducting surveillance, and other minor investigative duties.

3. My participation in this investigation was within the course and scope of my employment and constituted the performance of a discretionary function. At all times during this investigation, I acted in the good faith belief that my actions were in compliance with existing law. It is further my belief that the actions I took were consistent with the actions which a reasonably prudent peace officer would have taken in the same circumstances.

4. The last act I participated in, in assisting with this investigation occurred prior to November of 1993. At no time during my participation in this investigative effort did I ever engage in any conduct which was violative of the Plaintiffs' constitutional rights. Nor did I at any time observe any other officers, federal, state, or local, engage in any conduct which was violative of the Plaintiffs' rights. I did not conspire with any individuals to deprive any of the Plaintiffs in this lawsuit of their constitutional rights nor am I aware of any other individuals who may have entered into any similar type of conspiracy.

It is my good faith belief that the investigation conducted against the Plaintiffs was a legally valid investigation.

/s/ JERRY KEITH

STATE OF FLORIDA §
§
COUNTY OF BREVARD §

SUBSCRIBED AND SWORN TO before me on this the 21st day of June, 1996.

/s/ Sarah L. Blanton
Notary Public in and for the
State of Florida

My commission expires: 3/31/2000

[Excerpt]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON	§	
RASMARK JET CHARTER, INC.,	§	
	§	
PLAINTIFFS,	§	CIVILACTION
	§	EP-95-CA-475-F
vs.	§	
	§	
LAWRENCE E. FROST, ET AL.,	§	
	§	
DEFENDANTS.	§	

DEFENDANT GAIL BEACH'S ANSWERS TO ADMISSIONS PROPOUNDED BY PLAINTIFFS

ADMISSIONS

Request for Admission No. 1: Admit that on March 9, 1993 Special Agent Eric Mills and Special Agent Lawrence Frost conducted an interview with you.

ADMIT.

Request for Admission No. 2: Admit that on March 9, 1993 you stated to Special Agent Eric Mills and Special Agent Lawrence Frost that you first met Mark Rasmusson during 1986.

ADMIT.

Request for Admission No. 3: Admit that on March 9, 1993 you stated to Special Agent EricMills and Special Agent Lawrence Frost that at the

time you met Mark Rasmusson you had sub-contracted charter flights to him.

ADMIT.

Request for Admission No. 4: Admit that on March 9, 1993 you stated to Special Agent Eric Mills and Special Agent Lawrence Frost that Mark Rasmusson told you that he had purchased his aircraft with money he had inherited from his grandfather who was the inventor of the popsicle stick.

ADMIT.

Request for. Admission No. 5: Admit that on March 9, 1993 you stated to Special Agent Eric Mills and Special Agent Lawrence Frost that the Rasmussons were engaged in a 'kick back" scheme with Joe Sudomir and Andy Gantkessy.

DENY.

Request for Admission No. 6: Admit that on March 9, 1993 you stated to Special Agent Eric Mills and Special Agent Lawrence Frost that you were told by a former RASMARK pilot, Mark McAllister, the Mark Rasmusson stated, while under the influence of alcohol, that he (Rasmusson) keeps large amounts of money in bank(s) in the Cayman Islands.

ADMIT.

Request for Admission No. 7: Admit that on March 9, 1993 you stated to Special Agent Eric Mills and Special Agent Lawrence Frost that your salary from your air freight company has never exceeded $38,000.00 in one year.

ADMIT.

Request for Admission No. 8: Admit that on March 9, 1993 you state to

Special Agent Eric Mills and Special Agent Lawrence Frost that although charter and air freight rates can be very high the actual operator profit after all expenses is approximately 10 to 12 percent of operator income.

ADMIT.

Request for Admission No. 9: Admit that on March 9, 1993 you stated to Special Agent Eric Mills and Special Agent Lawrence Frost that you recommended that Lawrence Frost interview Steve Thorp of Taos, New Mexico.

ADMIT.

Request for Admission No. 10: Admit that on March 9, 1993 you stated to Special Agent Eric Mills and Special Agent Lawrence Frost that Steve Thorn is the brother of one of your business partners and that Mr. Thorn had information on Mark Rasmusson and an associate.

DENY.

[End of Admissions]

[Paragraph numbers added to text]

AFFIDAVIT OF GAIL BEACH

STATE OF TEXAS §
COUNTY OF EL PASO §

1. BEFORE ME, the undersigned authority on this day personally appeared GAIL BEACH, known to me to be the person whose signature is subscribed below and after being duly sworn did upon oath depose and state the following:

2. My name is GAIL BEACH. I am over the age of 18 and am fully competent to make this affidavit. I hereby state that I have personal knowledge of the facts stated herein and that these facts are true and correct.

3. On March 9, 1993, I was interviewed in El Paso, Texas, by U. S. Customs Special Agent Lawrence E. Frost and Eric Mills regarding Mark Rasmusson and Deborah Rasmusson concerning the matters alleged by the Plaintiffs in this litigation. At all times I responded truthfully and provided information in good faith.

3. After March 9, 1993, I had no further contact with any law enforcement agency, or personnel, either local, county, state, or federal, regarding Mark Rasmusson and Deborah Rasmusson, nor have I supplied any information to any such persons or agencies regarding Mark Rasmusson or Deborah Rasmusson, or the matters alleged by such

Plaintiffs in this litigation.

Further, Affiant sayeth naught."

/s/Gail Beach

SWORN AND SUBSCRIBED TO BEFORE ME the undersigned authority on this 31 day of March, 1997.

/s/ Notary

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION
	)	NO. EP-95-CA-475-F
	)	
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF STEVEN PERKINS

"I, STEVEN E. PERKINS, declare and say:

1. I am a GS-1811 Criminal Investigator (or "Special Agent") of the United States Department of Justice, Drug Enforcement Administration (DEA). I have held this position since March 28, 1987.

2. I currently am assigned to DEA's Casper, Wyoming, Post of Duty. I have been in Casper since March 26, 1991. Prior to that, I was assigned to DEA's El Paso, Texas, District Office. I was assigned to that office form August 24, 1987 until march 25, 1991.

3. In November 1989, officials of the Texas Department of Safety informed DEA that they had been conducting an investigation of a large marijuana and cocaine trafficking organization headed by an individual named Jesus Flores, who operated a business known as Vista Remodeling. Subsequent to this meeting, DEA opened a Federal investigation of this organization which discovered evidence that the organization was trafficking in multi-ton quantities of marijuana and multi-hundred pounds of cocaine. The case subsequently became an Organized Crime Drug Enforcement Task Force (OCDETF)

investigation. See attachment 1, which is an authentic photocopy of the DEA-6, Report of Investigation, which initiated this case. I served as one of the case agents on the case.

4. The major targets of the investigation were Jesus Flores and his principal assistants in the trafficking organization. As set forth more fully below, plaintiff Mark Rasmusson became implicated as the investigation progressed; however, he was never a major target in the investigation.

5. The investigation revealed that plaintiff Mark Rasmusson owned an aircraft company known as "Rasmark Jet Charter Service." Substantial evidence was developed that the Flores organization was using plaintiff's aircraft company for flights. See attachments 2 - 8, which are authentic photocopies of DEA Reports of Investigation. Furthermore, investigation revealed that plaintiff Mark Rasmusson handled the arrangements for flights by Flores and his colleagues personally, rather than allowing the office staff to do so as he did with other customers, and that the paperwork which should have existed regarding these flights, such as flight plans and invoices, inexplicably was missing from plaintiff's files. See attachment 2 - 6. The investigation also revealed evidence that plaintiff knew that Flores was a drug trafficker. See attachments 7 - 8.

7. On September 19, 1990, I appeared before a Federal grand jury in El Paso, Texas, concerning the Jesus Flores investigation. The grand jury handed down indictments against nine defendants on that same date. Jesus Flores was one of the individuals indicted. Plaintiff Mark Rasmusson also was indicted for one count of aiding and abetting in drug trafficking activities. See attachment 9, which is an authentic photocopy of the DEA Report of Investigation pertaining to the indictment.

8. On September 26, 1990, Special Agent Thomas Lenox and I contacted plaintiff Mark Rasmusson and his attorney, Richard Esper, in El Paso, Texas. We made arrangements for Mark Rasmusson to surrender himself to our custody on September 27, 1990, which he did. See attachment 10, which is an authentic photocopy of the DEA Report of Investigation of the arrest. Plaintiff Mark Rasmusson was acquitted

of this charge at trial.

9. I deny plaintiffs' allegations that I fabricated any of the information recorded in DEA Reports of Investigation and that I presented fabricated evidence and testimony to the grand jury or at trial.

10. After leaving El Paso in March 1991, I no longer worked actively on the Flores investigation. I returned to El Paso for the Flores case trials and sentencings. Subsequent to the trials and sentencings, I received a telephone call from a prosecutor concerning a box of documents which Deborah Rasmusson apparently had surrendered to authorities. I offered my assistance, but was never contacted again. Approximately a year later, because of my familiarity with the case, I returned to El Paso to assist in interviewing a number of Flores' coconspirator who had recently been arrested. During that visit, I offered to provide assistance to the United States Customs Service on an investigation that they had opened on this matter, but I have not received any specific request for help.

11. I declare under penalty of perjury that the foregoing statements are true and correct."

May 30, 1996
Date

/s/ Steven E. Perkins
Special Agent
Drug Enforcement Administration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF MICHAEL T. LAPPE

1. I, Michael T. Lappe, was the Special Agent in Charge of the United States Customs Office in El Paso, Texas, from May 19,1989 through October 16, 1994.

2. During the above mentioned time, I was responsible for the operation of six offices in two states and approximately 100 personnel. I have never met Mark B.Rasmusson or his spouse and I have never been to or near his business or residence. The investigation of Rasmark Jet Charter was part of a larger investigation into illegal money laundering and related criminal activities. I did not participate in the day-to-day investigative acivities of this case. I was briefed routinely on the progression of the overall investigation. Pursuant to the chain of command, the oversight and supervision of this case was the responsibility of the Case Agent, Lawrence Frost; the Group Supervisor, Michael Wilczewski; and the Assistant Special Agent in Charge, Donald Reay.

3. I was not involved with Special Agent Lawrence Frost's

Affidavits. The preparation of Affidavits and obtaining of Search Warrants during an investigation are normally done by a Case Agent under the supervision of a Group Supervisor. Having read the Affidavit, it appears to be in order.

4. I was the subject of an investigation conducted by Special Agent James F. Tighe, a Criminal Investigator assigned to the Department of Treasury, Office of Inspector General ("OIG"). I was cleared of all allegations of wrongdoing.

5. The letter dated July 26, 1993 (Exhibit 3 of Plaintiffs' Second Amended Original Petition) was drafted by Special Agent Lawrence Frost and routed through the chain of command before it was presented to me for my signature. As Special Agent in Charge, it was my policy to review and sign all outgoing correspondence. Special Agent Frost is an experienced Customs Agent who has always been reliable and professional in his work. I had no reason to question the information contained in the letter.

6. I was neither involved in nor do I have any personal knowledge of the remaining allegations contained in the Plaintiffs' Second Amended Original Petition.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge."

August 1, 1996
Date

/s/ Michael T. Lappe'
Customs Attache
U.S. Customs Service

[Paragraph numbers added to text]

AFFIDAVIT OF CHRIS HINES

STATE OF TEXAS §
COUNTY OF EL PASO §

BEFORE ME, the undersigned authority on this day personally appeared CHRIS HINES, known to me to be the person whose signature is subscribed below and after being duly sworn did upon oath depose and state the following:

1. My name is CHRIS HINES. I am over the age of 18 and am fully competent to make this affidavit. I hereby state that I have personal knowledge of the facts stated herein and that these facts are true and correct.

2. On March 16, 1993, I was interviewed in El Paso, Texas, by U. S. Customs Special Agent Fred Schroeder and El Paso Police Officer James Holland regarding Mark Rasmusson and Deborah Rasmusson concerning the matters alleged by the Plaintiffs in this litigation. At all times I responded truthfully and provided information in good faith.

3. After March 16, 1993, I had no further contact with any law enforcement agency, or personnel, either local, county, state, or federal, regarding Mark Rasmusson and Deborah Rasmusson, nor have I supplied any information to any such persons or agencies regarding Mark Rasmusson or Deborah Rasmusson, or the matters alleged by such Plaintiffs in this litigation.

4. Further, Affiant sayeth naught."

/s/ CHRIS HINES

SWORN AND SUBSCRIBED TO BEFORE ME the undersigned authority on this 31st day of March 1997.

/s/

[Excerpt]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON	§	
RASMARK JET CHARTER, INC.	§	
	§	
PLAINTIFFS,	§	CIVIL ACTION
	§	
vs.	§	EP-95-CA-475-F
	§	
LAWRENCE E. FROST, ET AL.,	§	
	§	
DEFENDANTS.	§	

DEFENDANT CHRIS HINES' ANSWERS TO ADMISSIONS PROPOUNDED BY PLAINTIFFS

ADMISSIONS

Request for Admission No. 1: Admit that on March 16, 1993, Special Agent Fred Schroeder and El Paso Police Detective James Holland conducted an interview with you.

ADMIT

Request for Admission No. 2: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that you were employed by Rasmark jet Charter from November, 1990 through September, 1991.

ADMIT

Request for Admission No. 3: Admit that on March 16, 199.3, you

stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that shortly after you started working for Rasmark Jet Charter, Debra, Rasmusson gave you a check for $4,000.00 and told you to cash the check and bring the money back to her.

ADMIT

Request for Admission No. 4: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that when you returned with the money to Debra Rasmusson you asked if the money was a Christmas bonus for all of the employees.

ADMIT

Request for Admission No. 5: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that Debra Rasmusson stated that it was not.

ADMIT

Request for Admission 6: Admit that on March 16, 1993, you stated to Special agent Fred Schroeder and El Paso Police Detective James Holland that Debra Rasmusson stated that the money was for a person who had given them a lot of business.

DENY

Request for Admission 7: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that you believe the money was going to Andy Gantkessy, the Ford Motor Company contact used by the Rasmussons in El Paso, Texas.

ADMIT

Request for Admission 8: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James

Holland that on another occasion Debra Rasmusson gave you a check to cash.

ADMIT

Request for Admission 9: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police detective James Holland that in the ledger for the check, Debra Rasmusson wrote the notation "Chris's Commission".

ADMIT

Request for Admission 10: Admit that on March 16, 1993, you stated to Special Agent Fred
Schroeder and El Paso Police Detective James Holland that when you questioned Debra Rasmusson about the check, she stated that the money was not for you.

ADMIT

Request for Admission 11: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that Debra Rasmusson went on to state that she owed Andy Gantkessy some money, but could not put his name on the check.

DENY

Request for Admission 12: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that when he took bills or invoices for the Ford account he was told not to give the paper work to anyone other than Gantkessy.

ADMIT

Request for Admission 13: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that Gantkessy and Rasmark Jet Charter were billing Ford

for flights that did not occur.

DENY

Request for Admission 14: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that you were given an overdraft notice from the First Bank of Avon, Colorado, account number 32-1044.

ADMIT

Request for Admission 15: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that the account is in the name of Mark and Debbie asmusson, 6825 Convair, El Paso International Airport, El Paso, Texas.

DENY

Request for Admission 16: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that on one occasion a Mexican male, accompanied by a woman and children hired Rasmark Jet Charter to fly them to the Cayman Islands.

ADMIT

Request for Admission 17: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that Debra Rasmusson and the man went into her office, closed and locked the door.

ADMIT

Request for Admission 18: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James

Holland that the man paid Debra Rasmusson in cash, approximately $13-14,000.00.

ADMIT

Request for Admission 19: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that Debra Rasmusson came out of the office after the man left and showed you the money.

ADMIT

Request for Admission 20: Admit that on March 16, 1993, you stated to Special Agent Fred Schroeder and El Paso Police Detective James Holland that you told Debra Rasmusson that it was not a very good way for the man to pay if it was a business trip, because he would have no records.

ADMIT

Request for Admission 21: Admit that on March 16, 1993, you stated. to Special Agent Fred Schroeder and El Paso Police Detective James Holland that Debra Rasmusson told you not to worry about the money it was none of his concern.

ADMIT

[End of Admissions]

EXCERPTS FROM USCS REPORT NO. 025

REQUESTED BY: BRAZELL, BRUCE M

OFFICIAL USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REPORT OF INVESTIGATION

1. TECS ACCESS
   CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redac'ed]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
   091792

7. DATE ASSIGNED
   082890

8. CLASS
   [redacted]

9. PROGRAM CODE
   [redacted]

10. REPORT NO.
    025

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REG: [blank]

13. TYPE OF REPORT: SURVEILLANCE REPORT

TOPIC: Results of Surveillance of Rasmark Jet Charter for September 16, 1992

14. SYNOPSIS:

This report documents surveillance results for September 16, 1992 in the above captioned investigation.

15. DISTRIBUTION:
SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
MILLS ERIC E
SPECIAL AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP
EL PASO - SAC

19. TELEPHONE: 915 540 5739

20. TYPIST: MILLS

OFFICIAL USE ONLY
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE US CUSTOMS SERVICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD

BE REFERRED TO HEADQUARTERS, US CUSTOMS SERVICE TOGETHER WITH A COPY OF THE DOCUMENT.

PAGE 2 - CONTINUATION

[Paragraph numbers added to text]

DETAILS OF INVESTIGATION:

1. The following agents were assigned to surveillance activity September 16, 1992:

SA Eric E. Mills
CPO Lue Jackson
SA Dan Levick
SA Larry Harrell
SA Dante Orate
SA C.W. Moore
SA Cynthia Mandujan
SA Daniel Ramirez

2. The following observations were made an September 16, 1992:

0600hrs Two white male adults (WMA's) were observed apparently preparing aircraft N25TK for flight. (SA Mills had received notification at about 0530hrs, . . .[redacted], that N25TK had filed a proposed flight plan from El Paso to Chihuahua, MX).

0633hrs The two WMA's fuel aircraft N821AW.

0655hrs The black with gold trim Mercury, TX LIC/FTK38K, departed RASMARK from inside the aircraft hanger and went west on Boeing Dr. Vehicle was operated by a WMA. LIC/FTK38K is improperly displayed on the Mercury. It should be displayed on a 1984 Ford 2 door, registered to Gary Hartman of 2125 Tompkins, Grand Prarie,[sic] TX.

0740hrs Both WMR's observed earlier servicing aircraft

depart in the white Ford van, TX LIC/3084QL.

0740hrs Two males, possibly pilots for RASMARK, arrive. #1 an hispanic male adult (HMA), 505, black hair, arrived in black Nissan pickup, and #2 WMA, 600, black receding hair.

0825hrs A white female adult (WFA), possibly Debra RASMUSSON, arrived in the black Mercury with gold trim.

0840hrs Debra RASMUSSON departed driving the black Mercury, northbound on American Dr.

0845hrs Mark RASMUSSON arrived driving the green Ford Bronco, wearing black jeans and a gray shirt.

PAGE 3 - CONTINUATION

6855hrs A WMA arrived in the RASMARK parking lot driving a Dodge Ran, TX LIC/505XFH, and read the newspaper sitting in the parking lot.

0905hrs Aircraft N821AW was moved into the hanger.

0907hrs A white Chevrolet Blazer (believed to be the same as that observed on 091592) with paper license, arrived at RASMARK. The Blazer was being operated by HMA, clean-cut, carrying a cellular telephone.

0930hrs Debra RASMUSSON and an HMA, 20yrs, 506, 145, black hair, white t-shirt with no sleeves arrive in black Mercury with gold trim.

1215hrs A red Mercedes 560SL convertible bearing AZ LIC/HSR995, Operated by two HMA's arrived at RASMARK and both men went inside. They were inside a short time and then departed westbound on Boeing Drive. Vehicle is of TECS record by Riverside OE., narcotics smuggling alleged. . . . [redacted]

1300hrs Debra RASMUSSON and HFA (who has been seen operating a white Ford Escort, TX LIC/GNC12V), departed RASMARK in the black Mercury and went to the Circle K store at Hawkins and Montana, and returned to RASMARK at 1309hrs.

1320hrs Mark RASMUSSON and WMA, 30's, 602, 200, black curly hair, departed RASMARK and went westbound on Boeing to Smitty's Bar-B-Que, which is located near the intersection of Airport and Mescalero.

1328hrs Debra RASMUSSON departed driving the black Mercury. She was last observed going northbound on American. She was not followed on this departure.

1330hrs A green BMW bearing TX LIC/GWK39T arrives at RASMARK. A WMA, 600, 190, 40's, brown hair maroon shirt was driving. . . .[redacted]

PAGE 4 - CONTINUATION

1545hrs The red Mercedes departed with the white male driving, Hector BARRERA riding in the passenger seat and a 7-8 year old WM was riding in back. Surveillance last saw the vehicle go into Airport Self Storage on Boeing Dr. (a computer card is required to open the automatic gate at this location). The vehicle returned to RASMARK at 1550hrs.

1547hrs Debra RASMUSSON departed driving the green Bronco. She was last seen traveling southbound on Airway Blvd.

1605hrs The red Mercedes, WMA driving, Hector BARRERA passenger, 7-8 year old in back, departed westbound on Boeing, then southbound on Airway Blvd, to Western Beverage. The occupants went inside Western Beverage and made a purchase. They returned to the vehicle and departed southbound on Airway Blvd., then westbound on Gateway, entered 1-10 westbound, exited 1-10 at the Juarez exit and proceeded southbound into Mexico.

1620hrs Debra RASMUSSON returned to RASMARK driving the green Bronco, in the company of a white female, possibly a juvenile, with blonde hair, carrying a backpack.

1628hrs A white Toyota pickup with white Leer shell, NM partial LIC/023____, WMA, 510, 170, blonde hair, wearing shorts and orange tank top, entered RASMARK. Departed at 1636hrs.

1645hrs A man believed to be David CHAVEZ departed driving TX LIC/077YVU, a light blue Nissan 200SX.

1712hrs The green Bronco, with two white sales, departed westbound on Boeing Dr., then southbound on Airway Blvd., then eastbound an Viscount Blvd., then into the Bob Hoy Auto Dealership. Surveillance lost at The Hoy Auto Dealership.

1725hrs The green Bronco returned to the ramp area at RASMARK, with only one WMA.

1727hrs Debra RASMUSSON's orange Mercedes convertible was located

at The Bob Hoy Automotive service area.

1735hrs A red Chevrolet Corvette was observed in the RASMARK parking lot, falsely bearing TX LIC/606XFZ. That license plate should be on a 1979 Pontiac 2 door registered to Marc B. Forest, 1730 Jim Thorpe, El Paso, TX.

1735hrs Debra RASMUSSON's orange Mercedes returned to RASMARK.

1742hrs A black over yellow Cadillac four door, TX LIC/007XFN, operated by one HMA, arrived at RASMARK. HMA driver had prosthesis hooks on both arms. Vehicle is registered to THE INVESTIGATORS, INC., Jay J. Armes, 1717 Montana Ave., El Paso,

TX. Jay Armes is an elected city official who is known to be a double amputee. Jay Armes, Mark RASMUSSON, Debra RASMUSSON, and an unidentified blonde female, all walked out on the ramp together and went inside the RASMARK Falcon Jet.

1755hrs Surveillance noticed a photographer taking pictures of the building from various angles. The photographer departed in a yellow Ford 2 door from the parking lot of the neighboring business, Air Transports Inc.

1830hrs Two white males, employees of RASMARK, loaded several long pieces of lumber, 2 empty plastic 5 gallon gas cans, a silver tank, possibly a fire extinguisher, a large gray tool box, into the white Ford van, TX LIC/3084QL. It appeared that there was possibly a motorcycle with a yellow gas tank already in the van. The individuals also placed a four wheel ATV into the van. It appeared that the employees locked the vehicle after loading the above items. A total of four tool boxes went into the van.

1837hrs Jay Areas met with the driver of the Red Corvette and then both the Corvette and Jay Armes in the yellow Cadillac, departed RASMARK.

1850hrs A blue Ford pickup, extra cab with 4X4, TX paper LIC/P8896, that has been seen at RASMARK numerous times, arrived. HMA, late 40's, 508, 150, glasses and cellular phone, went inside for a short time, then came back out and used a key to lock the business door.

Surveillance ended at 1915hrs with Mark and Debra RASMUSSON still inside the offices at RASMARK

[End of Excerpts]

EXCERPTS FROM USCS REPORT OF INVESTIGATION NO. 064

REQUESTED BY: BRAZELL, BRUCE M

OFFICIAL USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REPORT OF INVESTIGATION

1. TECS ACCESS
   CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redacted]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
   032293

7. DATE ASSIGNED
   082890

8. CLASS
   [redacted]

9. PROGRAM CODE
   [redacted]

10. REPORT NO.
    064

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REG: [blank]

13. TYPE OF REPORT: MEMO OF INTERVIEW / INVESTIGATIVE FINDINGS

TOPIC: INTERVIEW OF GAIL BEECH [sic] REGARDING MARK AND DEBORAH RASMUSSON

14. SYNOPSIS:

On March 9, 1993 Special Agents Lawrence Frost and Eric Mills of the Office of the Special Agent in Charge, El Paso, Texas interviewed Gail BEECH owner of AERO FREIGHT of El Paso, Texas. This interviewed was held in regard to BEECH [sic]'s relationship with Mark and Deborah RASMUSSON.

15. DISTRIBUTION: SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
FROST LAWRENCE E
SPECIAL AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP EL PASO - SAC

19. TELEPHONE: 915 540 5700

20. TYPIST: FROST

[Paragraph numbers added to text]

DETAILS OF INVESTIGATION:

1. On March 9, 1993 Special Agents Lawrence Frost and Eric Mills of the Office of the Special Agent in Charge, El Paso, Texas conducted an interview with Gail BEECH, owner of AERO FREIGHT of El Paso, Texas. Gail BEECH is known to have had a business relationship with Mark and Deborah RASMUSSON. The purpose of this interview was to gain all available background information on the RASMUSSON.

2. BEECH stated that she first met Mark RASMUSSON during 1986. BEECH stated that at that time RASMUSSON was residing in Kenosha, Wisconsin and that BEECH had sub-contracted charter flights to RASMUSSON. BEECH stated that during her initial contract with Mark RASMUSSON he told her that he had purchased his aircraft with money he had inherited from his grandfather who was the inventor of the popsicle stick.

3. BEECH stated that in 1987 she placed RASMUSSON under exclusive contract to her business due to the fact that the air freight charter business was experiencing a "boom".

4. BEECH stated that during either June or July of 1987, Mark RASMUSSON and Bobby Stroop went on a vacation together to Alaska. (Note: BEECH stated that Stroop is the owner of Ox Boxing in Las Vegas, Nevada). BEECH stated that upon RASMUSSON's return to El Paso he told her that he and Stroop had gone to a topless night club in Alaska where they had paid $400.00 to a topless dancer identified as Deborah Maye. RASMUSSON further related to BEECH that Stroop had hired Maye and transported her to Las Vegas to entertain his (Stroop's) boxers.

5. BEECH further stated that during September, 1987 Mark RASMUSSON and George Arnold traveled to Las Vegas to "party". Mark was to meet Deborah Maye and Arnold was to have been entertained by another female.

6. Upon Arnold and RASMUSSON returning to El Paso, Arnold told BEECH that when he (Arnold) and RASMUSSON were in Las Vegas, Maye had her two daughters with her. Arnold told BEECH that all parties were in a motel room, when Maye, Arnold, and Arnold's escort went to purchase beverages. The two daughters who were approximately 10 and 12 years old were left in the care of Mark RASMUSSON. Arnold told BEECH that when he (Arnold) and the women returned to the motel room they found Mark RASMUSSON in bed, molesting the older of Maye's daughters.

7. BEECH stated that approximately two weeks after this incident was alleged to have happened, Mark RASMUSSON and Deborah Maye were married and RASMUSSON signed one half of all of his personal property and the air freight business over to Deborah Maye-RASMUSSON

8. BEECH stated that George Arnold is currently living and working as a pilot in either Fort Lauderdale or Miami, Florida. BEECH stated that she would check with sources and notify SA Frost of where Arnold could be located.

9. BEECH further alleged that George Arnold had utilized a Cessna 210 that belonged to Mark RASMUSSON to smuggle and transport marijuana.

10. BEECH stated that her business relationship with Mark RASMUSSON continued after the RASMUSSON were married. However, BEECH stated that the relationship changed as Deborah RASMUSSON struggled to take control of Mark RASMUSSON's business activities through 1988. BEECH stated that during the time that she had a business relationship with Mark RASMUSSON she paid all of his American Express Credit Card bills and held money in reserve for maintenance on RASMUSSON's aircraft. BEECH stated that she maintained this financial arrangement with Mark RASMUSSON due to the fact that Mark RASMUSSON is totally irresponsible with money, his only interest appears to be having a good time and living well.

11. BEECH stated that in the fall of 1989, Deborah

RASMUSSON dissolved the business relationship between BEECH and the RASMUSSON's. BEECH stated that as soon as the RASMUSSON (DBA Rasmark Air Charter) went out on their own it became very clear that Deborah RASMUSSON was the "brains of the operation".

12. BEECH stated that when the relationship between herself and the RASMUSSON was severed, the RASMUSSON hired one of her (BEECH's salesmen, Chris Hines, for $500.00 more per month than BEECH had been paying him.).

13. BEECH stated that after the severance of the business relationship, Deborah RASMUSSON frequently told people at the El Paso Airport that she (Deborah) was the "Queen of Air Freight in El Paso". BEECH stated that DEBORAH carried out a campaign of telephone harassment and vandalism to vehicles against other air freight operators who did anything of which she (Deborah RASMUSSON) disapproved.

14. BEECH stated that prior to the severance of the relationship with Rasmark she (BEECH) had the air freight contract with Ford Favesa in El Paso.

15. BEECH stated that the Ford Favesa contract was administrated in the El Paso/Juarez area by Joe Sudomir and Andy Gantkessy. BEECH stated that the Favesa warehouse is on Durazno Street in El Paso and the offices are located on Butterfield Trail in El Paso. BEECH stated that when she had the air freight contract with Ford Favesa it was worth approximately six million dollars in business per year.

16. BEECH stated that the RASMUSSON were engaged in a "kick back" scheme with Sudomir and are currently engaged in such a scheme with Gantkessy.

17. BEECH stated that Deborah RASMUSSON was paying Sudomir approximately $1,000.00 per trip which Sudomir brokered through Rasmark for Ford Favesa. BEECH stated that Sudomir and Deborah RASMUSSON had a falling out and RASMUSSON refused to pay Sudomir his "kick back". BEECH stated that as this dispute

became more heated, Deborah RASMUSSON reported an alleged incident(s) of sexual harassment by Sudomir to Ford Security. Subsequent to Deborah RASMUSSON's complaint, Sudomir was transferred by Ford to a plant in the State of Missouri.

18. BEECH further stated that upon the removal of Sudomir, Gantkessy took over as the person in charge of air freight operations for Ford Favesa. BEECH alleges that Gantkessy was sexually compromised by Deborah RASMUSSON, soon thereafter, Gantkessy began accepting "kick backs" from Rasmark.

19. BEECH stated that when she and other air freight operator had the Favesa contract, Favesa was very difficult to work with as they were very demanding in matters relating to flights being on time and merchandise being delivered in perfect condition, etc. BEECH stated that since Rasmark has had the contract they (Rasmark) have been allowed to run hours late, damage merchandise, etc.

20. BEECH stated that she was told by a former Rasmark pilot, Mark McAllister, that Mark RASMUSSON stated, while under the influence of alcohol, that he (RASMUSSON) keeps large amounts of money in bank(s) in the Cayman Islands.

21. BEECH stated that Christopher Hines told her that on one occasion, Hines saw Deborah RASMUSSON receive a large amount of currency from a male customer. Hines stated that this currency was payment for a flight for the male customer, his wife and two children to the Cayman Islands, then return and pick them up in four days and return them to El Paso. Hines stated to BEECH that Deborah RASMUSSON made numerous remarks about what she was going to do with the currency, when Hines remarked to Deborah RASMUSSON that the money needed to be entered in the company books, RASMUSSON laughed and placed the currency in her purse.

22. Hines told BEECH that once a month he was sent to the bank by Deborah RASMUSSON to obtain a cashier's check for the sum of $2,500.00 which was alleged to be the RASMUSSON's house payment. The payment for the RASMUSSON residence was then made

to the owner of Dove Motors.

23. (Note: The owners of Dove Motors, are known by special agents to have been Joe and Pete Seaverns. Pete Seaverns was indicted and eventually testified for the Government in the Jesse Flores case in which Mark RASMUSSON was a co-defendant.)

24. BEECH stated that in 1988 or 1989 two Young Mexican males, "dripping in gold" came to her business to discuss leasing a Lear Jet, bearing FAA registration number N7GP, to BEECH's air freight business. BEECH stated that these two males identified themselves as Guillermo Portillo and his Corporate Attorney, Arturo Taraby. BEECH stated that she declined to do business with these two individuals as she felt they fit the profile of controlled substance traffickers. BEECH stated that very shortly after her contact with Taraby (Tarabi) and Portillo, they forged a business relationship with Mark RASMUSSON.

25. BEECH stated that she has been told that prior to Jesse Flores' incarceration he made weekly flights with Rasmark, these flights were paid for in cash by Flores. BEECH stated that the flights of which she knew the destination included, Los Angeles, Portland (OR), Detroit and Pontiac (MI). BEECH stated that the co-pilot for Mark RASMUSSON on these flights was Jim Young (who is currently in the Dallas area) and Jerry Burnett.

26. BEECH stated that the information she has received is that if Mark RASMUSSON is making a flight for illegal purposes, the co-pilot will be a subject named Huysman who is a foreign national and was hired by Rasmark from the North American Institute of Aviation in BEECH stated that Rasmark hires Young pilots from North American Institute of Aviation on a frequent basis. Rasmark allegedly charges large sums of money to allow the pilots to get their type rating in Rasmark aircraft. After these student pilots return to their home country Rasmark allegedly continues to use their names on pilot duty sheets in order to avoid evidence of violations of Federal Aviation Administration (FAA) regulations relating to crew rest, etc.

27. BEECH stated that she has been told by several sources

involved in the aviation industry in El Paso that Rasmark is paying pilots $100.00 per violation of FAA regulations which benefits the company.

28. BEECH stated that she has been told that Blanca Avelar (Rasmark secretary) was terminated by Mark RASMUSSON after an incident in November, 1992 during which Avelar and Deborah RASMUSSON returned from Mexico while intoxicated and RASMUSSON's Mercedes Benz automobile was seized by U.S. Customs Inspectors under "zero tolerance" guidelines.

29. BEECH stated that Hines had told her that the RASMUSSON were being allowed to "float" checks for as such as $50,000.00 by State National Bank.

30. BEECH stated that the RASMUSSON are living a lifestyle which indicates income well above the means of air freight operators in the El Paso area. BEECH stated that her salary from her air freight company has never exceeded $38,000.00 in one year. BEECH stated that although charter and air freight rates can be very high the actual operator profit after all expenses is approximately 10 to 12 percent of operator income.

31. BEECH recommended that agents contact Christopher Hines, Steve Thorn and Mark McAllister for additional information on the RASMUSSON.

[End of Excerpts]

EXCERPTS FROM USCS REPORT NO. 066

REQUESTED BY: BRAZELL, BRUCE M

OFFICIAL USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REPORT OF INVESTIGATION

1. TECS ACCESS
   CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redacted]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
   032293

7. DATE ASSIGNED
   082890

8. CLASS
   [redacted]

9. PROGRAM CODE
   [redacted]

10. REPORT NO.
    066

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REG: [blank]

13. TYPE OF REPORT: MEMO OF INTERVIEW / INVESTIGATIVE FINDINGS

TOPIC: INFORMATION RECEIVED FROM STEVE THORN REGARDING DONALD M JOSEPH

14. SYNOPSIS:

On March 9, 1993, Special Agents Lawrence Frost and Eric Mills of the Office of the Special Agent in Charge, El Paso, Texas interviewed Gail BEECH of AERO FREIGHT INC.

During the course of this interview BEECH suggested that agents should contact Steve THORN of Taos, New Mexico regarding information about one of Mark RASMUSSONs associates.

On March 15, 1993 Special Agent Lawrence Frost conducted a telephone interview with THORN. This report details the results of that interview.

15. DISTRIBUTION:
SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
FROST LAWRENCE E
SPECIAL AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP
EL PASO - SAC

19. TELEPHONE: 915 540 5700

20. TYPIST: FROST

OFFICIAL USE ONLY
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE US CUSTOMS SERVICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, US CUSTOMS SERVICE TOGETHER WITH A COPY OF THE DOCUMENT.

PAGE 2 - CONTINUATION

[Paragraph numbers added to text]

DETAILS OF INVESTIGATION:

1. On March 9, 1993, Special Agents Lawrence Frost and Eric Mills of the Office of the Special Agent in Charge, El Paso, Texas, interviewed Gail Beech, owner of Aero Freight Inc. of El Paso, Texas. During the course of this interview Beech recommended that special agents contact Steve THORN of Taos, New Mexico (telephone 505-776-8427). Beech stated that THORN is the brother of one of her (Beech's) business partners and that THORN had information on Mark RASMUSSON and an associate.

2. On March 15, 1993 Special Agent Lawrence Frost contacted Steve THORN via telephone. Special Agent Frost conducted an interview of THORN regarding THORN's knowledge of Mark RASMUSSON et al.

3. THORN stated he and his wife were at a wedding reception at the Holiday Inn in Taos, New Mexico during October, 1992. During the course of this occasion, THORN met a male subject named Don or Ron JOHNSON (per THORN's recollection).

THORN described this person as a white male, approximately five feet teen inches tall, thin, balding but wearing a pony tail, a large nose and wearing glasses. THORN stated that at the time of this contact "JOHNSON" appeared to be under the influence of alcohol.

4. THORN stated that he told "JOHNSON" that members of his (THORN's) family had invested in an air freight company (AERO FREIGHT INC) in the El Paso area after "JOHNSON" had mentioned being associated with RASMARK Air Charter. THORN stated that "JOHNSON" was obnoxious and stated that RASMARK was going to run all other air charters in El Paso out of business.

5. THORN further stated that as the conversation continued "JOHNSON" stated that he was from Wickenberg, Arizona and that his parents were close personal friends of the parents of (former) Vice President of the United States Dan Quaye.

6. THORN stated that "JOHNSON" stated that he had recently returned from a flight in Mexico with Mark RASMUSSON during which RASMARK had flown entertainer Kenny ROGERS about Mexico. "JOHNSON" continued that he and Mark RASMUSSON were flying controlled substances and drug money "all over the place" and that DEA is aware of their activities but can't catch them. "JOHNSON" repeated that "DEA will never catch us" (reference "JOHNSON" and RASMUSSON) 3 or 4 times during the course of the conversation with THORN.

7. THORN stated that "JOHNSON" also indicated that nothing could be done to stop he and RASMUSSON due to his ("JOHNSON's") alleged association with Dan QUAYLE.

8. THORN stated that "JOHNSON" spoke and behaved as though he were a major part of the RASMARK company and as though he was big in "the Organization". THORN stated that he felt that "JOHNSON's" loose talk was an attempt to impress female guests at the reception.

9. Based on THORN's description of "JOHNSON" Special

Agent Frost believes this person to be RASMUSSON associate Donald Mitchell JOSEPH. JOSEPH is listed by RASMARK as an employee of the Charter Company and is authorized El Paso Airport identification and ramp privileges as an employee of RASMARK. JOSEPH has been observed accompanying Deborah RASMUSSON on RASMARK aircraft flights to Wickenburg, Arizona. A vehicle registered to JOSEPH with a Flagstaff, Arizona address has been seen at the RASMUSSON residence. (Reference surveillance reports under this case number by Special Agent Eric Mills).

10. Information from other sources during the course of this investigation have referred to JOSEPH as a "middle aged hippy with a lot of money". These sources have also indicated that JOSEPH regularly travels in Mexico with Mark RASMUSSON aboard RASMARK aircraft.

11. Special Agents are in possession of identification and surveillance photos of JOSEPH. An attempt will be made to obtain a photograph identification from THORN in the near future.

[End of Excerpts]

EXCERPTS FROM USCS REPORT NO. 073

REQUESTED BY: BRAZELL, BRUCE M

OFFICIAL USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REPORT OF INVESTIGATION

1. TECS ACCESS
   CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redacted]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
   033093

7. DATE ASSIGNED
   082890

8. CLASS
   [redacted]

9. PROGRAM CODE
   [redacted]

10. REPORT NO.
    073

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REG: [blank]

13. TYPE OF REPORT: MEMO OF INTERVIEW
TOPIC: INTERVIEW OF HINES

14. SYNOPSIS:

On March 16, 1993, agents from the Special Agent in Charge El Paso, Texas and the El Paso Police Department interviewed Chris Hines about his former employer, Rasmark Jet Charter Service, El Paso, Texas. Hines worked as a Marketing Director for a short time.

15. DISTRIBUTION:
SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
SCHROEDER FRED
SPECIAL AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP
EL PASO - SAC

19. TELEPHONE: 915 540 5700

20. TYPIST: SCHROEDER

OFFICIAL USE ONLY
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE US CUSTOMS SERVICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, US CUSTOMS SERVICE

TOGETHER WITH A COPY OF THE DOCUMENT.

Page 2 -- CONTINUATION

[Paragraph numbers added to text]

DETAILS OF INTERVIEW:

1. On March 16, 1993, Special Agent Fred Schroeder and El Paso Police Officer James Holland interviewed Chris Hines at his residence in El Paso, Texas. Hines stated that he was hired by Debra Rasmusson in November of 1990 as a Marketing Director with a starting salary of $36,000.00 per year. At the time Hines was hired Debra Rasmusson was running the business.

2. Hines stated that in addition to handling the freight and aircraft schedules Debra Rasmusson also had him cash checks and take money to the bank. Hines further stated that shortly after he started working for Rasmark, Debra Rasmusson gave him a check for $4,000.00 and told him to cash the check and bring the money back to her. When Hines returned the money to Debra Rasmusson he asked if the money was a Christmas bonus for all of the employees. Rasmusson stated that it was not. Rasmusson further stated that the money was for a person who had given them a lot of business. Hines believes the money was going to Andy Gantkessy, the Ford Motor contact used by the Rasmusson's in El Paso, Texas. On another occasion Debra Rasmusson gave Hines a check to cash. In the ledger Rasmusson wrote the notation "Chris's Commission". When Hines questioned Rasmusson about the check, she stated that the money was not for Hines. Rasmusson went on to state that she owed Andy some money, but could not put his name on the check. Hines was told to drop the money off to Andy Gantkessy after cashing the check, however Debra later changed her mind and had Hines bring the money back to her. Debra told Hines that if he delivered the money Gantkessy, then Gantkessyas aware of the payments. Hines stated that when he took bills or invoices for the Ford account he was told not to give the paper work to anyone other than Gantkessy. Hines further stated that Gantkessy and Rasmark were billing Ford for flights that did not occur.

3. Hines also made several house payments for Debra. Hines stated that Debra would give him cash or a check and an envelope that was already addressed and stamped. Debra instructed Hines convert the check or cash to a cashier's check. The cashiers check was made payable to Joe Seaverns (Hines was not sure of the first name, however he stated that he knew he person was the owner of Dove Motors in El Paso, Texas) and a mortgage company. Hines would then put the check in the envelope provided by Debra and mail the cashiers check.

4. Hines was given an overdraft notice from the First Bank of Avon, Colorado, account number 32-1044. The account is in the name of Mark and Debbie Rasmusson, 6825 Convair, El Paso International Airport, El Paso, Texas.

5. Hines stated that Rasmark flew for the Mexican Federal Judicial Police on four or five occasions. Hines heard Debra and Blanca Avelar talking to one of the officers about the flight and cost. The flight was going to be a drug raid and was paid for in cash, always $20.00 bills. Hines stated that on one of the trips Debra received $2,500.00 and on another she received $4,500.00. On one of the flights Debra told Hines that she owed Andy Gantkessy money because he allowed them to hold some of Fords freight for several hours in order to fly the Mexican Police.

6. On one occasion a Mexican male, accompanied by a woman and children hired Rasmark to fly them to the Caiman Islands. Debra and the man went into her office, closed and locked the door. The man paid Debra in cash, approximately $13-14,000.00. Debra came out of the office after the man left and showed Hines the money. Hines told Debra that it was not a very good way for the man to pay if it was a business trip, because he would have no records. Debra told Hines not to worry about the money it was none of his concern.

7. Hines stated that on one occasion he met a very well dressed Mexican male that was supposed to be the owner of a Lear jet being used by Rasmark, the tail number was 7GP. Hines stated that the man always carried a lot of cash and would flash the money around the hanger.

8. Hines stated that a Snap-On-Tool truck would often come to Rasmark Jet. The truck was driven by a man Hines only knew as Felix. Hines stated that Debra would go out to the truck for quite some time. On one occasion the mechanic's assistant, Julio, made the statement "Debra is buying her dope from him." Hines stated that he never saw Debra taking any drugs, however some of her actions and the way she looked indicated that she was using drugs.

9. Hines stated J. J. Armes hired Rasmark for three different flights, however they were all business related.

10. Hines stated that Debra kept a metal file cabinet in her office, of which the bottom drawer was off limits to all personal. On one occasion Hines looked in the drawer and found several files labeled DEA, Customs and pilots.

11. Hines stated that Debra Rasmusson often bragged about the property that she an mark owned in Vail, Colorado, Cabo San Lucis, Mexico, several boats, motorcycles, jet skis and other items of property as well as belongings.

12. Hines stated that there were often FAA violations that were covered up by Debra and Mark. Hines was told by an unconfirmed source the pilots were paid $100.00 per FAA violation. Debra was in charge of the FAA drug testing for Rasmark Jet. On several occasions Debra or Mark requested Hines to act as the copilot in one of the jets. Hines stated that he declined, however one of the mechanics or loaders would go.

13. Just prior to leaving Rasmark Jet, Hines purchased a computer from the company. Before he was allowed to take the computer, Debra instructed Mark to delete all of the files. Debra told Mark they did not want Hines to see the files. Hines stated that Debra's password was "Cat", Hines was not sure of the spelling.

[End of Excerpts]

EXCERPTS FROM USCS REPORT NO. 109

REQUESTED BY: BRAZELL, BRUCE M

OFFICIAL USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REPORT OF INVESTIGATION

1. TECS ACCESS
   CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redacted]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
   052193

7. DATE ASSIGNED
   082890

8. CLASS [redacted]

9. PROGRAM CODE [redacted]

10. REPORT NO.
    109

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REG: [blank]

13. TYPE OF REPORT: INVESTIGATIVE FINDINGS

TOPIC: TRASH FROM 11157 LEO COLLINS

14. SYNOPSIS:

On Monday, May 3, 1993 El Paso County Sheriffs Detective Jerry Keith obtained the residential trash from 11157 Leo Collins, El Paso, Texas. The following report details items found in the trash and surveillance conducted by Detective Keith on May 3. 1993.

15. DISTRIBUTION:
SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
SCHROEDER FRED SENIOR
SPEC AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP

19. TELEPHONE: 915 540 5700
EL PASO - SAC

20. TYPIST: SCHROEDER

OFFICIAL USE ONLY

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE US CUSTOMS SERVICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, US CUSTOMS SERVICE

TOGETHER WITH A COPY OF THE DOCUMENT.

Page 2 --CONTINUATION

On Monday, May 3, 1993 El Paso County Sheriffs Detective Jerry Keith obtained the residential trash from 11157 Leo Collins, El Paso, Texas. While in the process of getting the trash Detective Keith observed Deborah RASMUSSON and two other females arrive at the residence. RASMUSSON was driving the red Mercdies.(sic) Detective Keith found the following items in the trash.

(1) There was a lot of male clothing thrown away.

(2) Several sets of keys.

(3) A plastic bottle with the hollow, plastic part of an ink pin stuck in the middle. The top of the bottle was covered with aluminum foil and small holes were punched in the foil. SA Schroeder conducted a chemical field test of the residue on the foil. SA Schroeder received a positive reaction for cocaine.

(4). A silver spoon with black residue in the bowl of the spoon. SA Schroeder conducted a chemical field test of the residue in the bowl of the spoon and received a positive reaction for heroin.

(5) A broken glass bottle.

(6) A newspaper article on Rasmark Jet Charter Inc., which gives information on Deborah and Mark RASMUSSON as well as the business.

At 12:00 PM on May 3, 191939 Detective Keith established surveillance on the Rasmark Jet Charter Office. Detective Keith observed a white colored pickup, Texas license CB-1779 depart the business. The vehicle is registered to Gildardo ROSALES, 10245 Whitetail, El Paso, Texas. . . .[redacted]

[End of Excerpts]

EXCERPTS FROM USCS REPORT NO. 118

REQUESTED BY: BRAZELL, BRUCE M

0FFICIAL USE 0NLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REP0RT 0F INVESTIGATI0N

1. TECS ACCESS CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redacted]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
061493

7. DATE ASSIGNED
0821390

8. CLASS [redacted]

9. PROGRAM CODE [redacted]

10. REPORT NO.
118

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REQ: [blank]

13. TYPE OF REPORT: MEMO OF INTERVIEW

TOPIC: INTERVIEW OF GANTKESSY

14. SYNOPSIS:

On June 2 and 3,, 1993, agents from United States Customs, the Federal Bureau of Investigation and the El Paso Police Department interviewed Andrew GANTKESSY about his involvement with Mark and Debra RASMUSSON and their business, RASMARK Jet Charter. GANTKESSY is an employee of Ford Motor company stationed in El Paso, Texas. For several years RASMARK Jet charter was the primary carrier for Ford Motor Company in the El Paso area.

15. DISTRIBUTION:
SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
SCHROEDER FRED
SENIOR SPEC AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP

19. TELEPHONE: 915 540 5700
EL PASO - SAC

20. TYPIST: SCHROEDER

[Paragraph numbers added to text]

1. On June 2, 1993, United States Customs Special Agents

Lawrence Frost, Fred Schroeder, Larry Brown, Federal Bureau of Investigation Special Agent Joseph Acosta and El Paso Police Department Detective James Holland contacted Andrew Gantkessy at 15 Leigh Fisher Drive, El Paso, Texas. GANTKESSY is an employee of Favesa (a Mexican subsidiary of Ford Motor Company). GANTKESSY agreed to talk to Agents and was interviewed for a short time about his knowledge and involvement with Debra and Mark RASMUSSON.

2. GANTKESSY stated that he had received money from Debra and
Mark RASMUSSON, however he did not think the money was a pay off. GANTKESSY was told by Debra RASMUSSON that she was giving his the money because she liked him. GANTKESSY further stated that he had gone an several free trips with the RASMUSSONS.

3. SA Schroeder made arrangements to have GANTKESSY come to the Office of Enforcement for a more detailed interview on June 3, 1993.

4. On June 3, 19,93, SA Schroeder and Joseph Acosta again interviewed GANTKESSY. GANTKESSY stated that he had been introduced to Debra and Mark RASMUSSON approximately 6 to 7 years ago by a former supervisor of the Ford Motor Company, Sal Pianello. GANTKESSY stated that Ford Motor Company was looking for a local company to move freight. RASMARK, according to GANTKESSY, had the cheapest rates available at the time and were designated as the primary company by Ford Motor. GANTKESSY stated that Ford stopped using RASMARK after some trouble between Debra RASMUSSON and a supervisor at Ford, Joe Sudomire. GANTKESSY stated that Ford is now using Active Areal [sic] for all freight movements in the El Paso area. GANTKESSY stated that he had taken money from Debra RASMUSSON, however he did not think it was a bribe or payoff. GANTKESSY further stated that Debra RASMUSSON had offered his $5,000.00 per charter that he referred to RASMARK, however GANTKESSY refused the offer, stating that he did not make that kind of money and it would look suspicious. Debra

RASMUSSON went on to tell GANTKESSY that she had given an employee of GM, GANTKESSY was not sure about the company, over $100,000.00 for charter work given to RASMARK. GANTKESSY stated that one week later Debra and Mark RASMUSSON took his to Las Vegas with them. GANTKESSY stated that on this trip Debra RASMUSSON gave his 500.00 in cash and also money to play the slot machines. The RASMUSSON's paid

for all of the expenses involved in the trip. GANTKESSY stated that he accompanied the RASMUSSON's on a total of four trips to Las Vegas, one trip to the Supper Bowel and two other football games in California. Debra RASMUSSON told GANTKESSY that if anyone ever questioned him about the trips to tell them he had paid for the charter and she would falsify invoices to cover the trips. Debra RASMUSSON also told his not to talk to anyone with out an attorney.

5. GANTKESSY stated that he received money on several occasions from Debra RASMUSSON, other than on the trips. GANTKESSY stated that Debra RASMUSSON gave him different amounts anywhere from $50.00 to $3,500.00 in cash. GANTKESSY stated that on one of the trips to Las Vegas Mark RASMUSSON gave him $1,200-1,500.00, stating that it was from Debra RASMUSSON. GANTKESSY was not sure however what the total amount that he received was.

6. GANTKESSY stated that on two occasions Debra RASMUSSON gave him marijuana. The first time was just prior to the first trip to Las Vegas. On the second occasion Debra RASMUSSON gave him an envelope containing money and one cigarette of marijuana.

7. GANTKESSY stated that Debra RASMUSSON also offered him a percentage of a company she was starting called "NEXT FLIGHT". Debra RASMUSSON stated that the company would be under David CHAVES's [sic] name in order to qualify for minority status. GANTKESSY stated that he again refused the offer.

8. GANTKESSY also stated that Debra RASMUSSON made the statement that Mark RASMUSSON had threatened to kill her upon his return from the Cayman Islands. . . ."

[End of Excerpts]

EXCERPTS FROM USCS REPORT NO. 062

REQUESTED BY: BRAZELL, BRUCE M

OFFICIAL USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REPORT OF INVESTIGATION

1. TECS ACCESS
   CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redacted]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
   032293

7. DATE ASSIGNED
   082890

8. CLASS [redacted]

9. PROGRAM CODE [redacted]

10. REPORT NO.
    062

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REG: [blank]

13. TYPE OF REPORT: MEMO OF INTERVIEW

TOPIC: INTERVIEW OF POLICE OFFICER GONGAWARE

14. SYNOPSIS: On March 1, 1993, El Paso Police Detective James Holland interviewed El Paso Police Officer Clifford Gongaware. Officer Gongaware is assigned to the El Paso International Airport and observed activity in the area of RASMARK Jet charter.

15. DISTRIBUTION:
SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
SCHROEDER FRED SENIOR
SPEC AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP
EL PASO - SAC

19. TELEPHONE: 915 540 5700

20. TYPIST: SCHROEDER

OFFICIAL USE ONLY

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE US CUSTOMS SERVICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, US CUSTOMS SERVICE TOGETHER WITH A COPY OF THE DOCUMENT.

[Paragraph numbers added to text]

DETAILS OF INTERVIEW:

1. On March 1, 1993, Officer Clifford Gongaware provided the following statement to El Paso Police Detective James Holland in regards to activities around RASMARK Jet Charter:

2. On July 13, 1992 Officer Gongaware was working the 2300 to 0700 hrs. shift at the El Paso International Airport. Officer Gongaware stated that at I:25 AM he was sent to Sate 62 (T-hangar area) because a vehicle was blocking the gate. When he arrived at the gate Officer Gongaware stated that he found a large yellow truck with Chihuahua plates stopped at the gate. Officer Gongaware further stated that the truck was occupied by Sergio Roman (driver), DOB:03-10-61 and Adrian M. Varela DOB:10-7-64, 5'9" tall 190 ibs. SSN: 457-31-9893 Airport ID #CML92-01539 residence: 813 Santa Barbara, El Paso, Texas. The two men told Officer Gongaware they needed in the gate to deliver some seat belts to RASMARK Air. Officer Gongaware stated that while he was checking on the two men, a vehicle arrived from inside of the airport gate. Officer Gongaware stated that the vehicle had come from the area of RASMARK Air and contained two white males. Officer Gongaware stated that a blond male exited the vehicle and verified the truck drivers story. The blond male stated he was from RASMARK Air. It was further explained to Officer Gongaware that the seat belts were for Ford Motor Company and needed to be flown immediately to Detroit. Officer Gongaware stated that he was shown paper work on the seat belts and being satisfied at this point he allowed the truck to enter.

3. Officer Gongaware stated that he felt further investigation was needed and drove near some hangars with his lights out and surveilled the Rasmark building. He watched the loading of a Lear Jet and noticed a male subject stationed away from the plane, facing north towards the airport and another male positioned to face

south towards Boeing St.

4. Officer Gongaware stated that he took no actions but later reported the matter to Lt. Dave Hamrick his Division Commander. Lt. Hamrick advised his the business was under investigation and to stay clear of the area. The officer did note the incident with the truck at the gate, on his log sheet and a copy has been obtained.

[End of Excerpts]

EXCERPTS FROM USCS REPORT NO. 061

REQUESTED BY: BRAZELL, BRUCE M

OFFICIAL USE ONLY

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
REPORT OF INVESTIGATION

1. TECS ACCESS
   CODE [redacted]

2. PAGE 1

3. CASE NUMBER [redacted]

4. TITLE: [redacted]

5. CASE STATUS: INTERIM RPT

6. REPORT DATE
   032293

7. DATE ASSIGNED
   082890

8. CLASS [redacted]

9. PROGRAM CODE [redacted]

10. REPORT NO.
    061

11. RELATED CASE NUMBERS: [blank]

12. COLLATERAL REG: [blank]

13. TYPE OF REPORT: MEMO OF INTERVIEW

TOPIC: INTERVIEW OF POLICE OFFICER DEANGELO

14. SYNOPSIS: On March 1, 1993 El Paso Police Detective James Holland interviewed El Paso Police Officer Andrew DeAngelo. Officer DeAngelo is assigned to the Airport Division of the El Paso Police Department. Officer DeAngelo provided information about activities he witnessed around the RASMARK Jet charter hanger and building.

15. DISTRIBUTION:
SACEP RIBIH HQDY HQFI

16. SIGNATURE: [blank]
SCHROEDER FRED SENIOR
SPEC AGENT

17. APPROVED: [blank]
WILCZEWSKI MICHAEL J
OE GRP SUPERVISOR

18. ORIGIN OFFICE: EP
EL PASO - SAC

19. TELEPHONE: 915 540 5700

20. TYPIST: SCHROEDER

OFFICIAL USE ONLY

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE US CUSTOMS SERVICE. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, US CUSTOMS

SERVICE TOGETHER WITH A COPY OF THE DOCUMENT.

DETAILS OF INTERVIEW:

1. On March 1, 1993, Officer DeAngelo provided the following statement to Detective Holland:

2. Officer DeAngelo stated that about 6 months ago (A check of Officer DeAngelo's log sheets indicate the date to be July 24, 1992. This would be approximately 2-weeks after the incident described by Officer Gongawaro.), he was working the 2300 to 0700 shift at the El Paso International Airport. Officer DeAngelo stated that he stopped his patrol car by the airport perimeter fence at about 3:00 AM. Officer DeAngelo was watching a person walking around in the parking lot of the Marriott Hotel, 1600 Airway Boulevard, El Paso, Texas. Officer DeAngelo stated that he noticed several people apparently off loading one of the Lear Jets at RASMARK Jet Charter. Officer DeAngelo stated that he then noticed that there was a guard armed with a rifle, posted to watch North towards the main airport area and another guard with a rifle posted to watch south towards Boeing St. Officer DeAngelo stated that he watched the activity for about 15 minutes. Officer DeAngelo stated that he then observed all of the persons go into the RASMARK building. DeAngelo then went and reported the matter to Officer Clifford Gongaware. Officer Gongaware advised him to stay clear of the business as it is under investigation.

3. Officer DeAngelo further stated that two weeks ago, while working the 2306 to 0700 shift he noticed a white dual wheel pickup attempting to leave the T-hanger gate area at approximately 2330 AM. (A check of Officer DeAngelo's log sheets indicate the date of this occurrence to have been February 13, 1993.) Officer DeAngelo stated that the persons appeared to being having some difficulty with the gate, however they made no attempt to contact him so he continued his patrol. A short time later while patrolling the T-hangar area, Officer DeAngelo stated that he observed the white

pickup drive from the gate back to the area of Gene's Air business adjacent to Rasmark, one of the occupants got out of the truck and put a box inside of a plane sitting on the ramp. The two occupants of the truck then went to find Officer DeAngelo to assist then in getting out the gate. Officer DeAngelo identified both subjects and checked the vehicle. Officer DeAngelo stated that he noted the information on his

log sheet and a copy was provided to Detective Holland.

4. Officer DeAngelo stated that he attempted to locate the box after the two persons had departed the area however he was unable to locate it.

[End of Excerpts]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION
	)	NO. EP- 95-CA-475-F
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF ROBERT MARTINEZ

1. 1, Robert Martinez, Internal Revenue Service special Agent, was assigned to a Task Force in which the Drug Enforcement Administration (DEA) was the lead agency in June 1990. My duties included investigating violations of Federal Income Tax Laws and related offenses.

2. 1 have had no contact, professionally or otherwise, with any of the Plaintiffs in this case.

3. In 1991, 1 testified in the trial of Jesus Flores. This was my only involvement regarding anything to do with any of the allegations in Plaintiffs' Petition.

4. 1 was neither involved in nor do I have any personal knowledge of the remaining allegations contained in the Plaintiffs' Second Amended Petition.

5. I declare under penalty of perjury that the foregoing statements are true and correct. Executed on this 31st day of July 1996.

/s/ ROBERT MARTINEZ
Special Agent
Internal Revenue Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON RASMARK JET CHARTER, INC. DEBORAH L. RASMUSSON, AND ANDREW A. GANTKESSY PLAINTIFFS, VS. LAWRENCE E. FROST, et al., Defendants.	)	CIVIL ACTION: EP-95-CA-475-F JURY DEMAND

DECLARATION OF JAMES F. TIGHE

I, James F. Tighe, in lieu of an afffidavit as permitted by 28 U.S.C. § 1746, do hereby declare from personal knowledge as follows:

1. I am a Special Agent, GS-1811 Criminal Investigator, assigned to the Department of the Treasury, Office of Inspector General (OIG), 5850 San Felipe, Suite 300, Houston, Texas, 77057. I have held this position for approximately six (6) years. My duties as a Special Agent primarly [sic] involve performing in an investigatory capacity.

2. The OIG is a law enforcement component of the Department o f the Treasury as established under the Inspector General Act of 1978, as amended, 5 U.S.C App. 3. The OIG is responsible for compiling records and information pertaining to investigations which involve allegations concerning violations of criminal and civil law.

3. I have never been employed in any capacity by the Department of the Treasury, U.S. Customs Service.

4. Subsequent to the OIG's initial receipt of allegations concerning Michael Lappe, in October 1991, 1 was officially assigned to conduct an investigation of misconduct by Michael Lappe, Special Agent in Charge, Office of Enforcement, U.S. Customs Service, El Paso, Texas. The allegations consisted of potential violations of civil and criminal law. I completely investigated each of the allegations.

5. Based on testimony of multiple witnesses and other documentary evidence acquired during the investigation, I determined that none of the allegations could be substantiated. Therefore, no civil or criminal referral was initiated by the OIG.

6. On November 22, 1993, a Report of Investigation (ROI) was completed and forwarded to OIG Headquarters for subsequent referral to and review by the U.S. Customs Service. The U.S Customs Service has the authority to make conclusions and take whatever action it deems appropriate and necessary concerning its employees. OIG records indicate that the ROI was reviewed by the U.S. Customs Service on March 24, 1994. By memorandum dated April 26, 1994, the U.S. Customs Service advised the OIG that a final decision was made that no administrative action was warranted based on the ROI.

7. 1 have never met, nor have I ever had any type of communications with Carol Hallett, former Commissioner; George Weisse, Commissioner; and ; John Hensley, Assistant Commissioner for Enforcement; U.S. Customs Service. Neither Hallett, Weisse or Hensley were ever involved in any way or manner with the conduct of my investigation. I have no knowledge of any cover-up allegedly orchestrated by Hallett, Weisse and Hensley.

8. The information presented in my ROI is a true and accurate representation of the testimony and/or documents acquired from the witnesses contacted during the investigation. I have no evidence now, nor did I ever perceive. that any of the witnesses in this investigation, including Lappe, provided me with inaccurate or false information. At

no time during this investigation did anyone ever attempt to influence or sway me to report witness testimony in an inaccurate manner.

9. Donald Reay, Assistant Special Agent in Charge, Office of Enforcement, U.S. Customs Service, El Paso, Texas, was not a subject of this investigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 28, 1996.

/s/ James F. Tighe
Special Agent
Office of Inspector General
U.S. Department of the Treasury

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF SOCORRO G. SIMMONS

1. I Socorro G. Simmons, Special Agent, Immigration and Naturalization Service ("INS"), was assigned to the Drug Enforcement Administration ("DEA"), El Paso District, El Paso, Texas, from March 1990 to December 1992, to work on drug related cases.

2. Between 1990 and 1992, I worked on several cases, including an investigation of the Jesus Flores' drug organization. Mr. Mark Rasmusson and his business, Rasmark Jet Charter, Inc., were investigated concerning his association with the Jesus Flores' organization.

3. The Jesus Flores came was designated an Organized Crime Drug Enforcement Task Force (OCDETF) case. The DEA was the lead Federal Agency, and the DEA case agents were Tom Lenox and Steven Perkins.

4. The DEA obtained wire tap authority of telephones believed to be used by the Flores' organization. Several INS agents participated as telephone monitors or on surveillance during the wire tap. Since my assignment to DEA was long term, I was the lead INS Agent. Rasmark

Jet Charter was mentioned several times during the wire tap.

5. During the investigation of Jesus Flores, information was received by informants alleging that Mark Rasmusson was part of the Flores organization. To the beat of my recollection, I accompanied Agent Lenox on several interviews including interviews with informants.

6. I also accompanied Agent Perkins when he interviewed Rasmark Aviation pilot Jerry Burnett.

7. I assisted in the trial preparation and Government witness coordination in U.S. v. Jesus Flores, et al., EP-90-CR-258-H. My involvement in any investigation of Rasmark Jet Charter, Inc. and Mark Rasmusson ended at the close of the Flores trial in June 1991.

8. I have never met any of the Plaintiffs in this case.

9. I was neither Involved in nor do I have any personal knowledge of the remaining allegations contained in the Plaintiffs' Second Amended Petition.

10. I swear under penalty of perjury that the foregoing statements are true and correct.

7/30/96
DATE

/s/ Socorro G. Simmons
Supervisory Special Agent
Immigration and
Naturalization Service

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS EL PASO DIVISION

MARK B. RASMUSSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. EP-95-CA-475-F
	)	
STEVEN ERIC PERKINS, et al.,	)	
	)	
Defendants.	)	

DECLARATION OF ELIAS P. CHAVEZ

I, ELIAS P. CHAVEZ, declare and say:

1. I am a GS-1811 Criminal Investigator (or "Special Agent") of the United States Department of Justice, Drug Enforcement Administration (DEA). I served as a DEA S/A for 17 years, left the agency for a brief period of time, and then returned in 1990. When I first returned to DEA, I initially served as an intelligence analyst. I have since become a Special Agent again, and I am currently assigned to DEA's Dallas, Texas, Field Division. At all times described in the complaint, I was serving as an intelligence analyst assigned to DEA's El Paso District Office.

2. While I was in El Paso, I participated in an Organized Crime Drug Enforcement Task Force (OCDETF) investigation of a large drug trafficking organization operated by an individual named Jesus Flores. My role in the case was to assist in interviews of a number of individuals who either worked with Jesus Flores in the drug trafficking organization or else had evidence of activities of the Flores organization. These interviews took place in 1990. I did not participate in any investigation of any of the plaintiffs in this case subsequent to these interviews.

3. I deny plaintiffs' allegations that I in any way fabricated evidence, participated in the fabrication of evidence, or was aware of the fabrication of any evidence. The forms DEA-6, Reports of Investigation, of the interviews in which I participated were written by the agent participating in the interviews rather than by me. However, I reviewed these reports after they were written, and they are an accurate reflection of the information obtained during the interviews in which I participated.

4 I declare under penalty of perjury that the foregoing statements are true and correct.

7-16-96
DATE

/s/ Elias P. Chavez
Special Agent
Drug Enforcement Administration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF LARRY K. BROWN

1. I, Larry K. Brown, am a Special Agent (SA) with the U.S. Customs Service, currently assigned to the Resident Agent in Charge (RAC) in Blains, Washington. This has been my assignment since October 1988.

2. In May 1993, I was assigned to a forty-five (45) day detail at the U.S. Customs Service Office, El Paso, Texas. The detail began on May 17, 1993 (a travel day) and ended on June 30, 1993 (a travel day). Upon my arrival in El Paso, Texas, I met with the Group Supervisor, Michael Wilczewski who advised me that I would be assigned to assist in an ongoing OCDEF investigation. Special Agent Larry Frost was identified as the case agent. I read some of the Reports of Investigation to familiarize myself with the investigation. The investigation had been underway for some time prior to my arrival.

3. Due to my limited time on the detail, my participation was limited to assisting on surveillance, and one garbage pick up. Due to my temporary duty (TDY) status, I also assisted as needed on unrelated investigative surveillance while working at the El Paso U.S. Customs Office.

4. During the course of the investigation, I was present at the interview of Andrew Gantkessy at his place of employment. I did not take notes at this interview. I recall that this meeting was cordial and brief. Mr. Gantkessy appeared nervous, but remained calm during the meeting. As I recall, the meeting was conducted in a small conference room away from other employees. I recall Mr. Gantkessy stating that he had received money from Mark and Debbie Rasmusson, but Mr. Gantkessy did not consider that the payments were any kind of payoff. I recall Mr. Gantkessy saying he had flown on free trips as a guest of the Rasmussons to football games. Special Agent Frost made arrangements to meet with Mr. Gantkessy the following day at the Customs Office.

5. I was not present at the meeting on the next day. This was my first and only contact with Mr. Gantkessy. I do not recall talking to Mr. Gantkessy other than identifying myself as a Special Agent with the U.S. Customs. I have no personal knowledge of the letter sent by SAC Michael Lappe to Ford Motor Company.

6. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

July 29, 1996
Date

/s/ Larry K. Brown
Special Agent
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, ET AL.,	)	
	)	
Defendants.	)	

DECLARATION OF WALTER J. KING

1. I, Walter J. King, am a Special Agent, of the United States Customs Service, El Paso, Texas, where I have served since April 1987.

2. I am currently assigned to the Financial Investigations Group, which is located at the Office of the Special Agent in Charge, 9400 Viscount, El Paso, Texas.

3. The Financial Task Force is located off-site. I have never been a member of the Financial Task Force. However, the Financial Investigations Group located at the Office of the Special Agent in Charge, 9400 Viscount, El Paso, Texas, provides manpower support to the Task Force when necessary.

4. September 8th through the 15th, 1993, I was assigned to assist the Financial Task Force in conducting surveillances at various locations.

5. I also assisted the Financial Task Force in conducting surveillances intermittently, to the best of my recollection, during calendar years 1992-1993.

6. On or about November 22, 1993, I was assigned to assist the Financial Task Force in the execution of a Search Warrant at 6805 Boeing Drive, El Paso, Texas. When I arrived at the location, I was instructed to return to the office located at 9400 Viscount, El Paso, Texas, and obtain a camera and film. I returned to the address located at 6805 Boeing Drive, and commenced to photograph evidence. However, the camera lens malfunctioned and I was unable to continue to photograph the evidence. I remained at the site and assisted in the execution of the Search Warrant, which consisted solely of providing security of the evidence to be inventoried.

7. I was not present at the execution of the Search Warrant at the Rasmusson residence located at 11157 Leo Collins, El Paso, Texas, and I have no personal knowledge of that operation.

8. Because I was never a member of the Financial Task Force, I did not have access to or contact with any of the informants referenced in Plaintiffs' Petition.

9. I was neither involved in nor do I have any personal knowledge of the remaining allegations contained in the Plaintiffs' Second Amended Petition.

10. I swear under penalty of perjury that the foregoing statements are true and correct.

July 30, 1996
Date

/s/ Walter J. King
Special Agent
U.S. Customs Service

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF RAFAEL AGUIRRE

1. I, Rafael Aguirre, am a Criminal Investigator (or "Special Agent") of the United Stated Department of Justice, Drug Enforcement Administration ("DEA"). I have held this position since September 1, 1975.

2. I am currently assigned to the Drug Enforcement Administration's Fort Lauderdale, Florida, District Office as a Group Supervisor. I have been in Fort Lauderdale since March 1995. Previously, I was assigned to the DEA's, El Paso, Texas, District Office. I was assigned to that Office from April 1990 until June or July 1992. At all times relevant to this complaint, I was the Group Supervisor of an Enforcement Group at the El Paso District Office.

3. When I arrived in the Group in El Paso, a large investigation was underway into a drug trafficking organization being run by an individual named Jesus Flores. The investigation had revealed that the organization was trafficking in large quantities of marijuana and cocaine. Special Agents Steven Perkins and Thomas Lenox were assigned as case agents.

4. As Group Supervisor, I did not personally participate in any substantial way in the investigation. Under DEA policy, all reports of investigation written by Special Agents are reviewed and signed by a Group Supervisor. I reviewed and signed the reports generated during the investigation of the Flores organization while I served as Group Supervisor. I have no reason to believe that any of the evidence contained in the reports is false.

5. After Jesus Flores was convicted, I no longer participated in any investigation of Flores or any of the Plaintiffs in this case.

6. I was neither involved in nor do I have any personal knowledge of the remaining allegations contained in the Plaintiffs' Second Amended Petition.

7. I declare under penalty of perjury that the foregoing is true and correct."

August 1, 1996
DATE

/s/ Rafael Aguirre
Group Supervisor
Drug Enforcement
Administration

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF JOHN E. HENSLEY

John E. Hensley declares and states as follows:

1. I am the Special Agent in Charge of the Los Angeles Field Division, Office of Investigations, U.S. Customs Service, U.S. Department of the Treasury. I have served in that position since February 1996. I served in the same position in the Dallas Field Division from April 1994 until February 1996.

2. I was the Assistant Commissioner of the Office of Enforcement, U.S. Customs Service, Department of the Treasury from February 1990 until April 1994.

3. As Assistant Commissioner, I oversaw the general operations of my Division, which included over 5,000 employees, 140 Domestic offices, 25 Foreign offices and an operating budget of 500 million dollars.

4. As Assistant Commissioner, I did not directly oversee the day to day case management in the field offices. There are at least three levels of supervision at the field level and three levels at the Washington

Headquarters level between the working agents and the Assistant Commissioner.

5. I have read Plaintiffs' Second Amended Original Petition and as Assistant Commissioner, I was not aware of any cases relating to the Plaintiffs, and I have no personal knowledge of the facts of this case.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my of knowledge. Executed on the 11th of July, 1996 in Los Angeles, California

/s/ John E. Hensley

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION NO.
	)	EP-95-CA-475-F
	)	
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF GEORGE J. WEISE

"I, George J. Weise, declare as follows:

1. My name is George J. Weise. I am currently Commissioner of the United States Customs Service. I have served in this capacity from May 1993, at Customs Headquarters in Washington, D.C. In this capacity, I direct the employees of the Customs Service in carrying out Customs statutory mission.

2. I have read the complaint in this case and understand the specific allegations against me.

3. In general, the policy of the Customs Service is carried out by subordinates of the Commissioner and without specific knowledge by me. In particular, I have no personal knowledge of the facts of this case.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

4/28/96 /s/ George J. Weise

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK B. RASMUSSON, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	CIVIL ACTION
	)	NO. EP-95-CA-475-F
	)	
LAWRENCE E. FROST, EL AL.,	)	
	)	
Defendants.	)	

DECLARATION OF CAROL HALLETT

"I, Carol Hallett, declare as follows:

1. My name is Carol Hallett. I was Commissioner of the United States Customs Service from November 1989 to January 1993. I served in this capacity at Customs Headquarters in Washington, D.C. In this capacity, I directed the employees of the Customs Service in carrying out Customs mission under law.

2. I have read the complaint in this case and understand the specific allegations against me.

3. In general, the policy of the Customs Service is carried out by subordinates of the Commissioner and without specific knowledge of the Commissioner and without specific knowledge of the Commissioner. In particular, I have no personal knowledge of the facts of this case.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

May 2, 1996
Date

/s/ Carol Hallett

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK A. RASMUSSON,	§	
RASMARK JET CHARTER, INC.,	§	
	§	
PLAINTIFFS,	§	
	§	
v.	§	NO. EP-95-CA-475-DB
LAWRENCE E. FROST, ET AL	§	
	§	
DEFENDANTS	§	

AFFIDAVIT OF DEFENDANT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Defendant, Russ Leach, states under oath that:

1. I am a resident of the State of Texas, and I am employed as the Chief of Police, El Paso Police Department, El Paso, Texas.

2. I have personal knowledge of all facts set forth in this affidavit and I am competent to testify as a witness regarding such facts.

3. I was hired as Chief of Police for the El Paso Police Department, and assumed my first duties, on April 3, 1995. Before that time, I lived in Los Angeles, California, and was not a member of the El Paso Police Department.

4. Since April 3, 1995, during my tenure as Chief of Police, it has not been a policy or custom of the El Paso Police Department, or of the City of El Paso, individual police officers, or myself to deprive persons of their constitutional and statutory rights as citizens. At all times during my employment, and previous to my hiring, from information obtained by me, the actions of the individual officers of the El Paso Police Department in enforcing the laws of the State of Texas

and El Paso, Texas were performed within the scope and course of their duties and authorities, in good faith, and at no time violated clearly established statutory law and the constitutional rights of any person.

5. All activities of the El Paso Police Department, including investigations and surveillance, were, and are, undertaken as discretionary actions, in good faith, and done in the belief that they are lawful, valid and constitutionally permissible.

6. I have reviewed the plaintiffs' complaint in this action, and I know of no policy, procedure, custom, campaign, course of training, supervisory technique or any other activity by myself or the individual officers, or the police department as a whole, that was meant-to harass Mr. Rasmusson or his company, to interfere with their business relations, to invade their privacy, or to cause harm of any kind to them or any other persons.

7. I have not witnessed, nor received internal reports of, any improprieties in the police investigation of Mr. Rasmusson or any of his associates. I did not participate in the investigation, and I never issued orders to circumvent any departmental rules or established constitutional or statutory protections afforded Mr. Rasmusson, his company, or others.

8. There have been no training procedures or any other policies or customs formulated by the El Paso Police Department that were deliberately designed or implemented to be indifferent to the rights of any person.

/s/ RUSS LEACH
CHIEF OF POLICE
EL PASO POLICE DEPARTMENT

STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to bef ore me on this 12th day of January, 1996.

/s/ NOTARY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MARK A. RASMUSSON, et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Cause No.
	§	EP-95-CA-475F
LAWRENCE E. FROST, et al.,	§	
	§	
Defendants.	§	

AFFIDAVIT OF LEO SAMANIEGO

1. My name is Leo Samaniego, I am over twenty-one years of age and competent to make this affidavit based on my personal knowledge, information, and belief. I have been served with a copy of the Complaint in the above entitled and numbered cause and this affidavit is given in connection with same.

2. I am currently the Sheriff of El Paso County and have held this elected office since 1985. As part of my efforts towards combating the growing drug trade invading El Paso County, I agreed to assign officers Jerry Keith and Neil Baker to a task force comprised of law enforcement officers from various agencies. The task force was organized and directed by federal law enforcement agencies and officers. No officer of the El Paso County Sheriffs Department had a supervisory role within this task force. This task force is separate and apart from the West Texas Multi-County Task Force.

3. I have been informed that some of the targets of the investigation included Mark Rasmusson and Rasmark Jet Charter, Inc. I have also been informed that Detectives Keith and Baker performed minor investigative duties such as surveillance and trash

pick-up at the El Paso Sanitation Department. I have further been informed that Detective Baker participated in the execution of a search warrant issued by a federal magistrate. These are duties which are within the scope and course of employment for Defendants Baker and Keith, they are a discretionary function and are consistent with the actions of a reasonable peace officer in similar circumstances.

4. I am not aware of either Detectives Keith or Baker engaging in any conspiracy to violate the rights of any individuals, including the Plaintiffs. Nor am I aware of any action taken by Detectives Keith or Baker which would violate either state or federal laws. Such actions are contrary to the policies and procedures of the El Paso County Sheriffs Department.

/s/ LEO SAMANIEGO
SHERIFF, EL PASO COUNTY

STATE OF TEXAS §
COUNTY OF EL PASO §

SUBSCRIBED AND SWORN TO before me on this the 17th day of June, 1996.

/s/ Bernadette Moreno
Notary Public in and for the
State of Texas

EXCERPTS FROM LEO SAMANIEGO'S ADMISSIONS

REQUEST FOR ADMISSION NO. I
Admit you are the highest ranking law enforcement officer employed by the County of El Paso.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 2.
Admit that Detective Jerry Keith was employed by the El Paso County Sheriff's Department and Mr, Keith is now retired.

ANSWER: Admit.

REQUEST FOR ADMISSION NO. 3.
Admit the Detective Neil Baker is employed by the El Paso County Sheriff's Department.

ANSWER: Admit.

REQUEST FOR ADMISSION NO, 4
Admit that you assigned Detective Jerry Keith and Detective Neil Baker to work in a federal tank force investigating Plaintiffs.

ANSWER: Admit that Detectives Keith and Baker were temporarily assigned to assist in a federal task force which included investigations of activities involving the Plaintiffs. Deny that I personally made the assignment.

REQUEST FOR ADMISSION NO. 5
Admit that no officer of the El Paso County Sheriff's Department had a supervisory role as to the activities of Detective Neil Baker and Detective Jerry Keith while they were assigned to the federal task force.

ANSWER: Admit that no officer of the El Paso County Sheriff's Department had a supervisory role within the federal task force. Deny that Detectives Baker and Keith were not supervised by members of the El Paso County Sheriff's Department at the time of their temporary assignment.

REQUEST FOR ADMISSION NO. 6

Admit that the Federal task force to which Detective Neil Baker and Detective Jerry Keith was assigned was not the West Texas Multi-County Task Force.

ANSWER: Admit

REQUEST FOR ADMISSION NO, 7

Admit that you have no personal knowledge that some of the targets of the investigation by the federal task force included Mark Rasmusson and Rasmak Jet Charter, Inc.

ANSWER: Admit

REQUEST FOR ADMISSION NO. 8

Admit that you have no personal knowledge that Detective Keith and Baker performed minor investigative duties such as surveillance and trash pick-up.

ANSWER: Admit

REQUEST FOR ADMISSION NO. 9

Admit that you have no personal knowledge that Detective Baker participated in the execution of a search warrant issued by a federal magistrate.

ANSWER: Admit

REQUEST FOR ADMISSION NO. 10

Admit that you are responsible for training of all deputies under your command including Neil Baker and Jerry Keith.

ANSWER: Admit that the training of all deputies within the El Paso County Sheriff's Department is my responsibility as Sheriff of El Paso County.

REQUEST OF ADMISSION NO. 11

Admit that you are the final policy maker as to the training and supervision of all deputies under your command including Neil Baker and Jerry Keith.

ANSWER: Admit

REQUEST FOR ADMISSION NO, 12

Admit that any El Paso County Sheriff's Department deputy who engaged in a conspiracy to violate the rights of any individuals, including Plaintiffs' or any deputy who engaged in conduct that violated state or federal law that such actions would be contrary to the policies and procedures of the El Paso County Sheriff's Department.

ANSWERS: Admit that it is a violation of the policies and procedures of the El Paso County Sheriff's Department to knowingly engage in any conspiracy to violate the rights of any individuals or to knowingly engage in any conduct which is violative of state or federal law. Deny that Plaintiff's rights have been violated by members of the El Paso County Sheriff's Department.

REQUEST FOR ADMISSION NO. 13

Admit that any deputy in your command including Neil Baker and Jerry Keith who engaged in a conspiracy to violate any individuals rights that such deputy is not acting within the scope of his or her discretionary authority.

ANSWER: Admit that any officer who knowingly engages in a conspiracy to violate any individuals rights is acting outside the scope of his or her discretionary authority. Deny that any such conspiracy exists.

REQUEST FOR ADMISSION NO. 14

Admit that any deputy in your command including Neil Baker and Jerry Keith who engaged in a conspiracy to violate any individual's rights that such action by any deputy is unreasonable and said deputy would not be acting within the scope of his or her discretionary authority.

OBJECTION: Defendants object to Plaintiffs' Request For Admission N' 14 in that it is repetitive of Request for Admission No. 13.

REQUEST FOR ADMISSION NO. 15

Admit that any deputy in your command including Neil Baker and Jerry Keith who engaged in acts that would violate either state or federal laws such acts by any deputy are unreasonable and said deputy would not be acting within the scope of his or her discretionary authority.

ANSWER: Deny.

REQUEST FOR ADMISSION NO. 16

Admit that you assigned Neil Baker and Jerry Keith to work in a DEA task force.

ANSWER: Deny.

[End of Excerpts]

EXCERPTS FROM POLICIES AND PROCEDURES EMPLOYEE'S MANUAL/HANDBOOK EL PASO COUNTY METRO NARCOTICS TASK FORCE FINANCIAL DISRUPTION UNIT

EL PASO COUNTY SHERIFF'S DEPARTMENT OVERVIEW Of UPPER MANAGEMENT

SHERIFF

CHIEF DEPUTY

Special Operation–Captain, Detention Bureau–Captain, Support Services Bureau–Captain, Criminal Investigations–Captain, and Administration Bureau–Lieutenant

EL PASO COUNTY SHERIFF'S DEPARTMENT SPECIAL OPERATIONS BUREAU

CAPTAIN----------} H.I.D.T.A Coordinator

Metro Narcotics
Task Force–Lieutenant
Sergeant
Chief Prosecutor
SERGEANT
[Eight Detective and
one k-9 Deputy Positions]
CHIEF PROSECUTOR
[Two Prosecutor Positions]

Financial Disruption Unit
(H.I.D.T.A.)–Lieutenant
Detective [six positions]
Local Area Network Tech
Criminal Analyst
Special Prosecutor

EL PASO COUNTY METRO NARCOTICS TASK FORCE

AND

EL PASO COUNTY FINANCIAL DISRUPTION UNIT

PARTICIPATING AGENCIES

1993 - 1994

EL PASO COUNTY SHERIFF'S DEPARTMENT
EL PASO POLICE DEPARTMENT
UNITED STATES BORDER PATROL
UNITED STATES CUSTOMS SERVICE
DRUG ENFORCEMENT ADMINISTRATION
FEDERAL BUREAU OF INVESTIGATION
TEXAS DEPARTMENT OF PUBLIC SAFETY
UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE
TEXAS NATIONAL GUARD
INTERNAL REVENUE SERVICE

EL PASO COUNTY METRO NARCOTICS TASK FORCE FINANCIAL DISRUPTION UNIT

INTRODUCTION

THE EL PASO METRO NARCOTICS TASK FORCE-FINANCIAL DISRUPTION UNIT IS A MULTI-AGENCY COOPERATIVE APPROACH OF DRUG ENFORCEMENT FOR THE COUNTY OF EL PASO AND THE CITIZENS WE SERVE. THESE STANDARD OPERATING PROCEDURES AND POLICIES ARE NOT INTENDED TO TAKE THE PLACE OF OR SUPERSEDE ANY RELATED POLICY AT AN EMPLOYEE'S HOME AGENCY. RATHER, THEY ARE DESIGNED TO PROTECT THE INTEGRITY AND EFFICIENT ADMINISTRATION OF THIS TASK FORCE. WHERE THERE IS A CONFLICT BETWEEN THE POLICIES OF THIS TASK FORCE AND THE PARTICIPATING AGENCY, THE MORE RESTRICTIVE POLICY WILL PREVAIL AND WILL BE ADHERED TO BY THE EMPLOYEE ASSIGNED TO THE TASK FORCE. FINAL DISCIPLINARY ACTION FOR ANY VIOLATION WILL BE THE RESPONSIBILITY OF THE HEAD OF THE EMPLOYEE'S AGENCY.

3.5 STANDARDS OF CONDUCT

I. AN INVESTIGATOR ASSIGNED TO THE TASK FORCE WHO FAILS TO ASSUME RESPONSIBILITIES OR EXERCISE DILIGENCE, PROPER DEMEANOR, INTELLIGENCE, AND INTEREST IN THE PURSUIT OF HIS DUTIES, OR WHO ACTS IN A MANNER TENDING TO BRING DISCREDIT UPON HIMSELF, THE TASK FORCE OR HIS/HER PARENT AGENCY MAY BE DEEMED UNACCEPTABLE AND UPON SUCH FINDING, THE PROJECT DIRECTOR MAY REQUEST THE RECALL OF THAT INVESTIGATOR TO HIS PARENT AGENCY.

II. ALL EMPLOYEES OF THE TASK FORCE ARE

EXPECTED TO COMPLY WITH ALL LAWFUL ORDERS BY THE SUPERVISORY PERSONNEL WITHIN THE TASK FORCE AND SHALL CONDUCT THEMSELVES IN A PROFESSIONAL MANNER WHEN DEALING WITH THE PUBLIC, AS WELL AS OTHER CITY, COUNTY, STATE, AND FEDERAL AGENCIES. ALL EMPLOYEES ARE FURTHER EXPECTED TO COOPERATE WITH EACH OTHER AND REPRESENTATIVES OF OTHER AGENCIES IN THE TASK FORCE.

III. EMPLOYEES SHALL NOT DIVULGE OR DISCUSS CONFIDENTIAL TASK FORCE BUSINESS TO ANYONE OUTSIDE THE TASK FORCE EXCEPT WHEN AUTHORIZED BY A SUPERVISOR. CONTENTS OF ANY RECORDS IN THE TASK FORCE FILES, SHALL BE SHOWN OR DIVULGED ONLY TO THOSE PERSONS AUTHORIZED OR UPON REVIEW AND APPROVAL OF THE SPECIAL PROSECUTORS AND/OR SUPERVISOR. EMPLOYEES SHALL NOT REMOVE ANY OFFICIAL TASK FORCE RECORDS OR DOCUMENTS FROM THE TASK FORCE OFFICE, EXCEPT AS AUTHORIZED THEIR SUPERVISOR.

IV. NO EMPLOYEE SHALL WITHHOLD OR DESTROY EVIDENCE OF ANY KIND AND ONLY THE EVIDENCE CUSTODIAN/PROPERTY OFFICER WILL DESTROY EVIDENCE UPON A COURT ORDER.

V. EVERY OFFICER IS EXPECTED TO COMPLY WITH THE USE OF FORCE POLICY OF HIS PARENT AGENCY.

VI. TASK FORCE OFFICER(S) WHO HAS IN CUSTODY ANY PERSON(S) UNDER ARREST OR DETENTION SHALL BE RESPONSIBLE FOR THE PROPER SAFEGUARDING OF SUCH PERSON(S) ADD THEIR PROPERTY AND ANY MONEY OR PROPERTY SEIZED SHALL BE TURNED INTO THE APPROPRIATE CUSTODIAN WITH A CHAIN OF EVIDENCE FORM AS SOON AS POSSIBLE.

VII. IT SHALL BE THE RESPONSIBILITY OF THE

EMPLOYEE TO KEEP THE TASK FORCE APPRAISED OF ANY CHANGES OF PERSONAL DATA SUCH AS HOME ADDRESS, TELEPHONE NUMBER, ETC. ANY CHANGES WILL BE FORWARD TO THE ADMINISTRATIVE ASSISTANT VIA A WRITTEN MEMORANDUM.

VIII. AN EMPLOYEE OF THE TASK FORCE SHALL NOT DRINK ANY KIND OF INTOXICATING LIQUOR WHEN ON DUTY UNLESS ABSOLUTELY NECESSARY IN THE PERFORMANCE OF DUTY AND PRIOR AUTHORIZATION BY A SUPERVISOR AND NO EMPLOYEE SHALL REPORT FOR DUTY WHILE UNDER THE INFLUENCE OF LIQUOR.

IX. EMPLOYEES WILL SUBMIT TO DRUG SCREENING TESTS UPON THE DISCRETION OF THE PROJECT DIRECTOR OR HIS DESIGNEE.

4.1 MEETING WITH NARCOTICS VIOLATORS

I. All officers will have prior approval from Supervisor before meeting with suspected narcotics violators. Supervisor will assign back-up on every occasion.

II. A supervisory officer or designee shall conduct briefing of all operations with officers involved. No officer will participate in an operation unless he/she is present at the briefing. The supervisory officer will ensure that an Operational Plan Form containing pertinent information is filled out by Case Agent and that every officer involved receives a copy. Assignments will be made by supervisory officer in charge of operation and will be adhered to by every officer.

III. Media and Press Releases

The Project Director or his designee are the only persons

allowed to release information about any arrests, investigations, or activity of the Task Force to the news media.

4.1 CONFIDENTIAL INFORMANTS POLICY

I. PURPOSE

The purpose of this policy is to provide regulations for the control and use of confidential informants (CI).

II. POLICY

In many instances, a successful investigation cannot be conducted without the use of CIs. While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the office utilizing the informant. Therefore, it shall be the policy of this Task Force to take necessary precautions by developing sound informant control procedures.

III. DEFINITIONS

A. Confidential Informant File: File maintained in order to document all information that pertains to confidential informants.

B. Unreliable Informant File: File containing information pertaining to individuals determined generally unfit to perform as informants.

IV. PROCEDURES

A. Establishment of An Informant File System

1. The Task Force Commander shall be responsible for developing and maintaining master informant files and an indexing system.

2. A file shall be maintained in each CI used by officers. Each

file shall be coded with an assigned informant control number and shall contain the following information:

a. Informant's name

b. Name of officer initiating use of the informant.

c. Informant's photograph, fingerprints, and criminal history record.

4.2 CONFIDENTIAL INFORMANTS POLICY (Continued)

d. Briefs of information provided by the CI and its subsequent reliability. If an informant is determined to be unreliable, the informant's file shall be placed in the unreliable informant file.

e. Signed informant agreement.

f. Update on active or inactive status of informant.

B. Use of Informants

1. Before using an individual as a CI, an officer j6dst receive initial approval from a supervisor authorized to make this approval.

2. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.

3. After the officer receives initial approval to use a CI, an informant file shall be opened.

4. All persons determined to be unsuitable for use as a CI shall be referenced in the Unreliable informant File.

5. An officer wishing to utilize an unreliable informant shall

receive prior approval from the Commander or his designee.

C. General Guidelines for Handling CIs

1. All CIs are required to sign and abide by the. provisions of the departmental informant agreement, sample attached. The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:

a. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures and may not carry a weapon.

4.2 CONFIDENTIAL INFORMANTS POLICY (Continued)

b. Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations.

c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs where the informant encourages, persuades or otherwise motivates a person to engage in criminal activity.

2. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit, accept gratuities or engage in any private business transaction with a CI.

3. An officer shall always have a back-up officer(s) when meeting with a CI.

4. Juveniles shall only be utilized as CIs in accordance with employee's Home Agency regulations and state laws pertaining to juveniles.

4.10 CASE AGENT'S STANDARD OPERATING PROCEDURE FOR PUTTING CASES TOGETHER

Please make sure all of the following documents are included in your Case File, if they are applicable, prior to its being given to the secretary for typing. If all the it-ems are not included, the file will be given back to you for completion.

1. Presentation Report
2. #1 Report
3. Subject Supplement/EP County detention Facility arrest/Suspect Supplement
4. Vehicle Supplements
5. Case Agent Report
6. T.F. Agents Reports
7. INS Reports and then other assisting agencies-reports
8. Border Patrol Reports
9. Search Warrant and Return (If applicable)
10. Certificate of Magistrate
11. Warrants of Arrest
12. Complaint Affidavits
13. Confessions (If any)
14. Consent to Search Forms (If any)
15. Subject's Booking Docket
16. Criminal Histories
17. Rap Sheets
18. Any paperwork found on persons
19. Vehicle paperwork - MVD Reports/Title histories, etc.
20. Chain of Evidence Report
21. Evidence inventory Check List
22. Evidence Custodian's Reports (If applicable)
23. DPS Lab Reports (If available)
24. Arrest Data Sheets
25. Marihuana & Controlled Substance Reports

It should be noted that numbers 10 thru 15 should be grouped

for each individual arrested and then you continue with #16 thru #25.

If there is to be a forfeiture, also include forfeiture forms (Exhibit A) Vehicle Title History and give Case File to the Administrative' Assistant. Please write on the front of the file in red ink "FORFEITURE" and the date due, which is 30 days from the date of arrest. If the case has been completed prior to submission or was an "ASSIST ONLY", please also write that information on the front of the file.

APPENDIX A

CASE PREPARATION/HIDTA

I. Responsibility

Any detective or officer within the Unit who initiates an Investigation shall be designated as the case officer. The case officer may initiate the investigation based on Information developed from the field or, the case may be adopted as the result of Investigative leads or case activity generated by another agency.

The case officer has the following responsibilities:

A. Before the Investigation may be fully opened, the unit commander shall be notified as to the Information known and course of action to be undertaken.

B. The case officer is the only individual authorized to determine distribution on any portion of an active investigation.

C. The case officer is the only individual authorized to supplement an investigation.

D. A case officer may authorize any other officer to supplement, distribute or participate in an
investigation.

E. The case officer must designate an alternate case officer whenever extended absences are foreseen. In any situation where the absence is unexpected, the unit commander shall designate an alternate case officer.

[Paragraph numbers added to text]

EL PASO COUNTY SHERIFF'S DEPARTMENT SPECIAL OPERATIONS BUREAU

UNI T: Financial Disruption Unit

1. DESCRIPTION: Multi-Agency Unit consisting of assigned investigators, clerical support personnel, computer and intelligence analysts and supervisory/management personnel assigned as part of Special Operations working in cooperation with the Metro Narcotics Unit and other anti-drug/counter-drug agencies.

2. OBJECTIVE: As part of the H.I.D.T.A. Investigative initiative, the unit seeks to target individuals and organizations involved in illegal narcotics trafficking and seize and forfeit drug related assets and resources In 'accordance with both state and federal laws.

3. STRATEGIES: Investigators from the F.D.U. may investigate cases which:

a. are developed by them as the result of independent investigations.

b. are referred to them from another agency or other source.

c. are initiated as the result of a subsequent Investigation.

4. Investigations are two stage in nature. Each stage has certain requirements that must be met and time limitations, which are imposed.

STAGE 1:

5. Once the investigator receive information that may have investigative value, an investigative file will be set up. From the initiation of the file, the investigator has 30 working days to establish a case foundation.

6. During the 30 day period the following Information should be developed for the investigative file:

7. - Criminal histories on any suspects - Driving records and Information from driver's license data banks including DL photographs.

8. - Property records

9. - Affiliations connecting the suspects or targets with other active or inactive criminal investigations.

10. - Basic surveillance photos of persons on properties believed involved.

11. - Information from other law enforcement sources.

12. - Information from governmental data bases.

13. - Information from private-data bases made available to law enforcement whether a fee for the information is charged or not.

14. The purpose of the first stage Investigation is to establish whether or not Information presented has workable facts. At any time during the allowed 30 working days, the investigator may formalize the preliminary findings. Once done, the case must be presented to the unit commander for review. The unit commander shall then determine whether the Investigation has sufficient merit to continue or not.

15. If the unit commander determines that the case has no value, the investigative file is inactivated and may be retained until further leads develop it as a case.

16. However, If the unit commander reviews the case and determines that it does have investigative value, it will be approved for full investigation.

STAGE 2:

17. From the date of acceptance, the investigator has 180 days to develop the case. During the course of investigation the case officer may employ any investigative technique to Include:

18. - hard target surveillance

19. - photographic surveillance

20. - phone toll analysis

21. - pen register

22. - undercover operations

23. - use of confidential informants

24. - Intelligence analysis

25. The investigator should develop a specified course of investigation and use this as a guide on the case. Investigative techniques Involving the use of schedule changes, overtime, personnel from other units or agencies, around the clock surveillance, confidential funds or any technique which could be regarded as unconventional will be cleared through the unit commander before commencing with that tactic.

26. A case is being successfully investigated as long as

investigative leads are developed and the elements of .the offense are being identified. Investigative documentation must be current and track the course of events occurring.

27. During the Investigation the case officer has the responsibility to continually brief the unit supervisor on developments. At any time during the 180 days that the investigator feels the Investigation is no longer making progress, the investigator may:

28. - redirect the investigation to another suspect or objective based on developed information.

29. - re-strategize the investigation.

30. -place the Investigation on hold until better investigative information is developed or new leads form.

31. -increase the Investigative assets involved in order to develop the case.

32. Regardless of the direction the investigator takes, the unit supervisor will be consulted and approval given. Anytime that the investigation can be concluded, the investigator will begin the specific, legal steps to conclude the investigation. All investigations will:

33. - seek to substantiate a specific criminal charge (or charges).

34. - meet the elements of the offense.

35. - have a specific suspect or suspects targeted.

36. - identify any and all property which will be subject to seizure and forfeiture.

37. - have a conclusion.

38. All Investigations which are undertaken by the unit will recognize t' hat both the criminal and civil aspects of the case will be

39. CONCLUSION: All provisions of this strategy stand as official policy for the Financial Disruption Unit. This will be considered as an appendix to the unit handbook.

[End of Excerpts]